

NUNAVUT IMPACT REVIEW BOARD

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

HEARING

VOLUME 15

Iqaluit, Nunavut

April 14, 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. Akasuk	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. Kaernerik 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 AMARUQ HUNTERS AND TRAPPERS ASSOCIATION (REGISTERED
2 SPEAKERS)

3 M. Mike Amaruq Hunters and Trappers
4 Association

5 J. Kakee Elder Advisor

6 J. Akavak Amaruq Hunters and Trappers
7 Association

8 K. Akpalialuk Amaruq Hunters and Trappers
9 Association

10 L. Ipeelie Amaruq Hunters and Trappers
11 Association
12

13 HAMLET OF RESOLUTE BAY (REGISTERED SPEAKERS)

14 M. Idlout Amarualik Hamlet of Resolute Bay

15 J. Amagoalik Resolute Bay Hunters and
16 Trappers Association
17

18 GOVERNMENT OF NUNAVUT (REGISTERED SPEAKERS)

19 E. Stockley Legal Counsel

20 N. O'Grady Government of Nunavut

21 J. Onalik Deputy Minister EDT

22 J. Noble Jr. Deputy Minister DOE

23 G. Karlik Assistant Deputy Minister
24 Department EDT

25 H. Coleman Assistant Deputy Minister DOE

26 A. Simonfalvy Avatiliriniq Coordinator

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: Good morning.

3 My name is Kaviq Kaluraq, and I'm the chairperson
4 of the Nunavut Impact Review Board. On behalf of the
5 Board and my fellow Panel members, Catherine Emrick on
6 my left and Madeleine Qumuatuq, I would like to welcome
7 everyone back to the third day of Nunavut Impact Review
8 Board's extension of the reconvened public hearing.
9 This is the third session for the public hearings to
10 assess Baffinland Iron Mine Phase 2 development
11 proposal related to the Mary River iron ore project.

12 For those attending in person in Iqaluit or in the
13 hub in Pond Inlet, welcome and thank you for joining us
14 in person. For those of you joining us through the
15 audio-visual feeds, welcome and thank you for your
16 participation as well.

17 We are starting today with an opening prayer which
18 will be given by Mary Kuppaq.

19 Opening Prayer

20 THE CHAIR: Thank you, Mary, for opening
21 prayer.

22 I have been the Chair of the previous two sessions
23 of the public hearings associated with this file and
24 will be chairing these extended sessions of the public
25 hearing in Iqaluit that are scheduled to conclude next
26 Wednesday on April 21.

1 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 6 this year,
4 in the interest of time, I'm not going to repeat my
5 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 this assessment in November 2019
10 and January and February of this year can access the
11 transcripts of those sessions from the Board's public
12 registry.

13 As you can see from the Board's agenda, which is
14 available at the check-in desk as you come in, today we
15 will be continuing with the registered intervenors
16 following up with Baffinland and the other intervenors
17 in respect of their responses to the written questions
18 submitted by registered intervenors in March.

19 For the benefit of the representatives from each
20 of the seven potentially affected communities who have
21 come to Iqaluit to participate in the community
22 roundtable sessions of the public hearing, our five-day
23 community roundtable session will commence on Friday
24 morning, and the room will be rearranged so that the
25 designated community representatives from the seven
26 North Baffin communities potentially affected by the

1 project will be seated at the table and will be able to
2 ask questions of Baffinland or any of the intervenors
3 and will also be able to share their knowledge and
4 comments with the Panel.

5 For everyone participating in the Pond Inlet hub,
6 be assured that the Board, intervenors, and community
7 representatives in Iqaluit are linked to you, and the
8 Board will make opportunities available to you to ask
9 questions and provide your comments to the Board in
10 much the same way as if we were all in the same room.

11 However, because we may be switching back and
12 forth between the people here in Iqaluit and
13 participants on Zoom or on the phone and the hub in the
14 Pond Inlet hall, we ask that you be patient in waiting
15 for your turn to speak.

16 Over the next two days, as we close out the
17 technical portion of the hearing, discussions will be
18 focused on the follow-up questioning from registered
19 intervenors, the proponent, and the Board.

20 To ensure that we can be -- can all be heard and
21 understood, simultaneous English and Inuktitut
22 interpretation of the proceedings is being provided
23 throughout the meetings from the interpreters here in
24 Iqaluit, and the interpreters' feed is being
25 broadcasted to Pond Inlet and is also available in the
26 audio-video online feeds.

1 Receivers are available from the sign-in table at
2 each in-person location, and language-specific
3 information has been provided for those participating
4 online. For those in the room in Iqaluit, we would
5 like to let everyone know Channel 0 is the floor sound;
6 Channel 1, English; Channel 2, Inuktitut.

7 For all speakers, however you are joining us, when
8 I say your name, wait until you have a microphone in
9 front of you or your microphone is activated. Please
10 state your name and your organization for the record
11 and speak clearly and slowly. The interpreters have
12 asked parties to remember to briefly pause at the end
13 of each sentence so that they have time to interpret
14 what you have said.

15 If you hear a beep or I say your name, please
16 pause for a few moments and slow down your pace because
17 that is a signal from our interpreters that they
18 require some time to catch up or that there has been an
19 interruption to our online feed.

20 If you are on Zoom and I say your name, please
21 click the -- click on the "raise your hand" icon at the
22 bottom of your screen as that will raise your name to
23 the top of the list of Zoom participants, and it makes
24 it much easier for our audio-visual technicians to
25 activate your camera and microphone. There may be some
26 delay as the sound tech unmutes your line and activates

1 your camera, so please pause for a few seconds so that
2 we can ensure you are being heard by everyone.

3 As a reminder to everyone, all of the witnesses
4 who were affirmed or sworn in during the previous
5 public hearing session in January and February this
6 year are considered to still be under oath when
7 answering questions during this extended session.

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

15 If you are at an in-person location and are having
16 trouble hearing the proceedings, please let one of the
17 NIRB staff know, and they'll assist you. Issues with
18 the online feed can be communicated to Mark Ings, the
19 Board's director of finance and administration, who is
20 monitoring the online participants.

21 For those of you attending in person, there are
22 sign-in sheets in Iqaluit and Pond Inlet. I ask
23 everyone to please sign in for every session. Signing
24 in ensures the NIRB can provide an accurate record of
25 hearing participants, but it also -- but is also
26 required for the Board to comply with public health

1 requirements.

2 Throughout the meetings, the Nunavut Impact Review
3 Board is required to gather contact information of
4 those people who have attended in person for COVID-19
5 contact-tracing purposes, and we appreciate
6 participants providing the information necessary for
7 the Board to meet these requirements.

8 Those participating through the online feed should
9 also have preregistered with the Board to receive the
10 information to link to these proceedings, but if you
11 did not preregister, please contact Cory Barker to
12 indicate your participation.

13 As I indicated yesterday, the Panel's focus during
14 these sessions is to listen and to ask final questions
15 of Baffinland; registered intervenors, including
16 regulators for the project and community-based
17 intervenors; and community representatives from the
18 seven potentially affected communities to ensure that
19 the Board has the information we need to complete our
20 assessment of the potential ecosystemic and
21 socio-economic effects of the Phase 2 development
22 proposal before we make a decision and provide the
23 Board's written report and recommendations.

24 This session marks the final public hearing
25 component of an almost three-year assessment of the
26 Phase 2 proposal. To date, the Nunavut Impact Review

1 Board's assessment has included more than 30 days of
2 in-person meetings, several days of technical
3 teleconference meetings, and the exchange of thousands
4 of pages of written submissions, which includes the
5 most recent exchanges of hundreds of written questions
6 and answers that are the subject of the follow-up
7 questions from intervenors today.

8 The Nunavut Impact Review Board has previously
9 heard from seven North Baffin communities that could
10 potentially be affected by the Phase 2 development
11 proposal during the community information sessions and
12 community roundtables hosted by the Board in January
13 2019, November 2019, October 2020, and February 2021,
14 and the Board looks forward to hearing more from the
15 communities when the community roundtable session of
16 this public hearing begins on Friday.

17 The Board has many staff members and our legal
18 counsel participating in these proceedings who have
19 contributed to the NIRB's administration and technical
20 review of this project proposal. In the interest of
21 time, I'm not going to introduce the NIRB staff again
22 but advise that many of the NIRB staff are wearing NIRB
23 lanyards and name tags, so if you have a question for
24 our staff, please search one of the staff with the name
25 tag.

26 In addition to the NIRB's technical staff, we have

1 several interpreter-translators available today to
2 support us with simultaneous interpretation, including
3 the Board's interpreter-translator, Josie Tucktoo, as
4 well as Veronica Dewar, Rhoda Katsak, and Letia Jane in
5 Iqaluit.

6 Assisting us with our sound system, video link,
7 interpretation, and sound recording, we have
8 representatives from Duoson. As a reminder, please
9 don't approach Duoson staff if you have trouble -- if
10 you're having trouble with being able to hear through
11 the headsets or speakers. Please approach the NIRB
12 staff, and we'll help you out.

13 To ensure the Board has an accurate record of this
14 public hearing, we have Sandra Burns and Andres Vidal,
15 court reporters from Dicta Court Reporting, here to
16 prepare the transcript. The final transcripts of these
17 proceedings will be available from the Board's public
18 registry a few weeks after this session concludes.

19 We would also like to notify all participants that
20 these proceedings are being attended by media
21 representatives in the Iqaluit location. If possible,
22 we do ask that media wear a press badge or similar
23 identification throughout these meetings so that it is
24 clear to parties which media outlet you're
25 representing. Members of the media who are filming the
26 proceedings are reminded to respect the Board's

1 procedural direction for recording the proceedings and
2 linking into the live feed that were issued last week.

3 Any participants who are approached by the media,
4 it remains up to you as to whether you wish to speak
5 with the media.

6 The Board welcomes the media providing information
7 about these proceedings to those who cannot attend.
8 However, I remind everyone that because the Board is
9 engaged in decision-making for the file, the Panel
10 members, including myself and the NIRB staff, cannot
11 respond to questions or provide interviews to the media
12 or public comments regarding the hearing while we are
13 underway and before the decision-making for the file
14 has been completed and the Board's report and
15 recommendations have been released publicly.

16 The Board also advises everyone that the Nunavut
17 Independent Television Network is broadcasting the live
18 feed of the proceedings from Iqaluit through the Arctic
19 Co-op and Shaw Direct Cable TV through the territory
20 and beyond through their Inuit-language cable TV
21 channel, Uvagut TV. This broadcasting of the live feed
22 enables community members to remotely view the
23 technical sessions and community roundtable of these
24 proceedings as they happen.

25 As communicated to the parties in the Board's
26 procedural direction last week, just as with all of the

1 board's previous proceedings, the Board prohibits
2 anyone from recording, rebroadcasting or retransmitting
3 these sessions unless the Board has granted expressed
4 written consent. Parties unable or unwilling to comply
5 with the Board's directions may be denied access to the
6 live feed or otherwise sanctioned.

7 As noted in the agenda, there is an evening
8 session scheduled for today. Today we will break for
9 lunch at approximately 12 PM Eastern Time, reconvening
10 at 1:15 PM, and we will break for supper at 5 PM and
11 return for an evening session starting at 6:30 PM.

12 As you have seen over the last two days, the time
13 limits for parties set out in the final agenda will be
14 enforced so that we can ensure that the Board can
15 complete the remaining follow-up in respect of written
16 questions and unresolved technical questions by
17 tomorrow. The Board will then turn to the continuation
18 of the community roundtable for the last five days of
19 our session.

20 I will give parties a five-minute warning when
21 they have five minutes left in the time allotted on the
22 agenda so that you can wrap up your follow-up
23 questioning.

24 As everyone can see, due to the public health
25 directives put in place to respond to the COVID-19
26 pandemic, the NIRB has modified our normal practices to

1 ensure we all stay safe and in compliance with local
2 public health requirements.

3 Although things may look different and we really
4 miss being all together in the same room at the same
5 time, the Board has implemented a number of measures to
6 make sure we can all participate effectively and safely
7 in these meetings.

8 Whether you are joining us by Zoom, by telephone,
9 in the meeting room here in Iqaluit, or in the hall in
10 Pond Inlet, you should know that the Board's focus in
11 conducting these proceedings remains the same even
12 though the proceedings might look a little different.

13 The Panel is here to ask questions and listen to
14 evidence and Inuit Qaujimajatuqangit shared with the
15 Board by Inuit knowledge holders as well as others --
16 as well as to hear the questions, comments, and
17 concerns expressed by intervenors and community
18 members.

19 The Board thanks everyone who has participated in
20 this assessment so far for sharing your time and
21 knowledge with us during these important proceedings
22 and during these very challenging times.

23 We have all had to learn new ways to work together
24 even though we may be miles apart. As everyone
25 attending in person already knows, the Board has
26 developed very strict COVID-19 protocols in

1 consultation with the Government of Nunavut's chief
2 public health office.

3 With the implementation of the strict safety
4 protocols, the Board was able to secure an exemption
5 that allows the Board to have 150 people in attendance
6 at -- in the meetings in Iqaluit. The capacity of the
7 hub in Pond Inlet is 100 people.

8 The NIRB's protocols required everyone attending
9 to wear a face mask over their nose and mouth, to
10 practice social distancing when you can, and use hand
11 sanitizer whenever you enter and exit this room.

12 You will notice that the Board has posted the
13 Board's COVID-19 protocols at the entryways in the
14 hearing room in Iqaluit and on the doors as you enter
15 the hall in Pond Inlet. Adherence to the Board's
16 protocols are a part of the chief public health
17 officer's order. The Board appreciates everyone
18 continuing to comply with these safety measures and
19 keeping us all safe and healthy.

20 In terms of housekeeping considerations here in
21 Iqaluit, washrooms are located out the side doors, also
22 by the restaurant, and an additional handicapped
23 accessible washroom is located across the lobby by the
24 fitness centre. Please use the doors at the back and
25 the side of the room to exit before breaks, but come
26 back in by the doors at the back of the room.

1 Lastly, before we get back to the follow-up
2 questioning from registered intervenors, the Board
3 requests that everyone respect the following Board
4 directions: It is our intention to have one 15-minute
5 break at the halfway point in the morning, and one
6 15-minute break in the midafternoon. I will let
7 everyone know when we are coming up to break time. As
8 per the NIRB's protocols, the NIRB will only be
9 supplying water throughout the day, and participants
10 are responsible for bringing their own snacks and
11 meals.

12 Please respect the timelines I have set for breaks
13 and return promptly to the meeting. We have a lot to
14 cover, and the Board cannot wait for late arrivals.

15 For all participants, please do not interrupt when
16 a person is speaking. The agenda provides an orderly
17 opportunity for participants to speak, and for parties
18 accessing the proceedings via video or audio links,
19 your microphone or camera may be muted by the Board
20 until you are recognized by the Chair to speak.

21 For the sake of our court reporters and
22 interpreters, when it is your turn to speak, please use
23 a microphone, state your name first, and then speak
24 clearly and at a reasonable pace. Pause between
25 sentences. Also, please do not use abbreviations and
26 acronyms and be mindful that some terms may require our

1 interpreters to take time to explain in detail. So
2 please be aware of the interpreters, and pause when it
3 appears they need extra time to explain what you're
4 saying.

5 For the benefit of all the participants, please
6 turn your cell phones and electronic devices off or at
7 least to vibrate or silent setting no matter your
8 method of participating in this meeting.

9 The Board asks all participants joining the
10 proceedings to be patient with each other and the Board
11 as the technology we use may result in interruptions
12 and limitations that are outside of the parties' and
13 the Board's control.

14 And, finally, I would like to remind everyone that
15 comments intended to denigrate or belittle the views or
16 comments of other participants or simply intended to
17 disrupt the proceedings are not appropriate and may
18 result in the Board sanctioning such commentors.

19 The Board recognizes that there are -- that
20 parties may have very different opinions and strong
21 feelings about this assessment, but we appreciate
22 everyone sharing their views in a way that is
23 respectful and productive, and we thank all parties in
24 advance for participating in these meetings in that
25 spirit.

26 Before we return to intervenors' follow-ups to

1 their written questions, it is my understanding from
2 that -- there is a procedural matter involving exhibits
3 being requested to be filed by Baffinland on the public
4 hearing record. So I will now turn the microphone to
5 the -- to Baffinland to explain the documents they are
6 requesting to file as exhibits.

7 Baffinland.

8 Baffinland Iron Mines Corporation Proposes Two
9 Documents to be Filed as Exhibits to be Used as
10 Reference Materials

11 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
12 I'll ask Christine Kowbel with Lawson Lundell to
13 explain the exhibits. Thank you.

14 MS. KOWBEL: Thank you, Madam Chair,
15 Christine Kowbel, legal counsel, Baffinland.

16 We have circulated to counsel for parties and to
17 Board counsel and uploaded to the NIRB registry two
18 documents we're proposing to file as exhibits. They
19 are two PowerPoint presentation slide decks in PDF
20 form. These are being offered as reference materials
21 to support follow-up questions that may be asked to
22 Baffinland and to support Baffinland's reply.

23 For clarity, we are not proposing to deliver these
24 presentations as new, full presentations, but
25 individual slides may be pulled up in response to a
26 question. And so we wanted to give this to the Board

1 to have on hand in case we thought that was useful.

2 For -- to facilitate the filing, we've separated
3 the materials into two documents. One document is
4 materials previously filed, and one deck is new
5 materials.

6 So, Madam Chair, I'm just going to give a very
7 brief description of these materials, but I note I also
8 circulated this description to counsel for the
9 intervenors and to the Board counsel. So they can
10 follow along.

11 In terms of the new slide deck, the materials
12 with -- the slide deck with the new information,
13 Slides 1 and 2 depict dust mitigation options, and
14 these are examples or visual representations of
15 additional adaptive management measures. (INTERPRETER
16 BELL).

17 THE CHAIR: Please slow down and pause --

18 MS. KOWBEL: My apologies.

19 THE CHAIR: -- between sentences.

20 MS. KOWBEL: Sure. My apologies to the
21 interpreter, Madam Chair. I'll start over.

22 For Slides 1 and 2, these depict dust mitigation
23 options, and these are examples of additional adaptive
24 management measures that Baffinland can employ to
25 reduce dust if it is needed.

26 Madam Chair, Slides 3 Through 7 relate to

1 employment benefits, and this is just to describe that
2 since the February hearing, Baffinland has made several
3 additional new commitments to enhance employment
4 opportunities through the project both at site and in
5 the community. Additionally, Baffinland has made
6 commitments to support non-project-related employment
7 benefits.

8 Madam Chair, Slides 8 Through 11 are all site
9 photos, and these are just photos of the site to
10 illustrate and provide additional context or details
11 should that be deemed useful in response to a question.

12 Slides 12 and 13, Madam Chair, relate to narwhal
13 call recordings. This was requested previously from
14 the hamlet of -- and to provide sounds of narwhal from
15 the acoustic recordings. It's a response to a deferred
16 question.

17 Slide 14 depicts slides relating to marine narwhal
18 behaviour. This was prepared in response to NIRB
19 questions about differences between Josh Jones'
20 research and that completed by Baffinland.

21 Slide 15 relates to adaptive management. It's not
22 really a new -- a new figure, but it is updated, and
23 so, Madam Chair, that figure is updated. It relates to
24 adaptive management, and it is to reflect submissions
25 associated with the March 22nd Appendix 12 and response
26 to NIRB 79, Attachment 2.

1 And, Madam Chair, unless Board counsel disagrees,
2 my proposal is not to go into detail about the
3 previously filed slide's deck because we have provided
4 details in describing exactly where all of those
5 materials were previously filed. The second slide deck
6 is not new information. These were all exhibits or
7 other materials that have previously been filed in the
8 NIRB process, Madam Chair. Thank you.

9 THE CHAIR: Thank you. I will turn to the
10 Board's legal counsel to explain the Board's handling
11 of the request. Teresa.

12 MS. MEADOWS: Thank you, Madam Chair.
13 Teresa Meadows, legal counsel for the Nunavut Impact
14 Review Board.

15 So, Madam Chair, the same as with the exhibit that
16 was proposed to be filed by Environment and Climate
17 Change Canada, the Board will endeavour to circulate
18 these materials to -- on the public registry today, and
19 as we have set aside time tomorrow evening to deal with
20 any motions or objections, parties will be given until
21 noon tomorrow to let me know, after they have had an
22 opportunity to look at the materials, if there are any
23 objections to the entry of these two exhibits on the
24 public hearing registry.

25 In the meantime, we will mark them so that we know
26 what we're referring to as exhibits, but they will not

1 be entered into the public hearing registry until
2 parties have had an opportunity to review, provide
3 notice of their objections, and the Board will then
4 rule on their entry onto the public hearing registry.

5 So for parties, you have until noon tomorrow to
6 advise the Board with respect to any objections to
7 these materials. Thank you, Madam Chair.

8 THE CHAIR: Before we go to our agenda,
9 Caleb Sangoya raised his hand.

10 Caleb Sangoya (Elder) Questions Baffinland Iron Mines
11 Corporation and Fisheries and Oceans Canada

12 MR. SANGOYA: Maybe we need gloves.

13 Thank you, Madam Chair. We're here because of the
14 Baffinland Iron Mine company about Phase 2 and that we
15 were -- are given opportunity to speak on issues that
16 relate to the beginning of the Mary River project and
17 also to the Phase 2 project, and that is being held
18 under this public hearing through Nunavut Impact Review
19 Board and before it goes to the minister for decision.
20 I would like to have DFO, department of Indian northern
21 affairs, and also for giving them a chance to speak.

22 I would also like to have included in this public
23 hearing those people who have eyewitnessed the events
24 that are going on because when you're reading from
25 written material and you're making reports as a
26 consultant and you have never been to the mine and you

1 only refer to documents that have been written by other
2 people and you haven't actually seen it with your own
3 eyes actually what's going on. So I'd like to be able
4 to include people who have actually been there, who
5 have seen it, smelled it, and touched it.

6 And I represent Elders from Pond Inlet, and in the
7 beginning of our public hearing -- and we talked about
8 the tonnage of the ships. They -- supplies in -- and
9 about ballast water, and I would like to be able to
10 have Inuit who have actually seen it with their own
11 eyes about the actual events that took place with the
12 ship -- tonnage shipping and ballast water and what
13 they observed during those processes.

14 And DFO and federal governments stated that --
15 they stated where the ballast water will be drained,
16 and, of course, we know that sometimes they will not
17 abide by conditions that they are given because
18 nobody's going to look, so they're not going to
19 actually follow to the letter of what they're supposed
20 to follow.

21 And the ballast water that is drained in our
22 waters in Baffin Bay, they don't drain the whole
23 ballast water. They have to -- in Ragged Island, what
24 we call Imiliit, we observed that the ballast water
25 being drained is very dirty water. It's yellow, and it
26 has -- it doesn't have the same colour as our water,

1 and you can really see it because of the currents
2 before. It goes into Milne Inlet, and there's about
3 20 ships that -- that have observed this -- or 20 boats
4 that have observed this, and a lot -- they have noticed
5 that a lot of the crustaceans or little shrimps in the
6 sea are dying because of this ballast water, and that
7 has been observed.

8 And when Baffinland represent -- Megan and the
9 other person were told exactly what has been observed,
10 and that has not been reported, and the seafood of our
11 larger marine mammals were being killed off. That's
12 why the marine mammals have been migrating somewhere
13 else. We haven't had a chance to speak to DFO or
14 federal government, and there were -- there's a fishing
15 place where there was a lot of fish, and -- in one area
16 because of this contamination, there's hardly any fish
17 in that area now because of the contamination from
18 ballast water.

19 And in 7:40 PM, it was -- I would like to be able
20 to recommend myself as exhibit that Inuit who have seen
21 this with their own eyes to be part of this process
22 because we would be able -- like to be able to work
23 with people who have actually seen it, not just through
24 written reports.

25 And Baffinland, along with the Inuit, they have
26 not been able to actually go and observe and survey the

1 area where we're talking about because under the
2 constitution of Canada that enshrine -- our
3 agreement is enshrined in the constitution, and because
4 it's the constitution of Canada, we should be abiding
5 by our Nunavut Agreement. And we have not been able to
6 work with Baffinland under Phase 2. Inuit has not been
7 involved in the planning process of Phase 2.

8 That's why, Madam Chair, that Inuit who actually
9 live there are the eyewitnesss, and you heard from some
10 of them, and I don't know why you -- you are not
11 recognizing Inuit as the actual witness observers, and
12 it -- are you trying to do away with our Inuit rights
13 under the Nunavut Agreement? Are you trying to exclude
14 us from the whole process of this Phase 2? And that's
15 my first question. I have other questions.

16 And yesterday 11:05 -- sorry. Not that one.
17 There was -- there was invasive species that were
18 mentioned yesterday. Scientists and Inuit
19 Qaujimajatuqangit, they're clashing at the moment
20 because the western science, when they're talking about
21 these invasive species, they use -- they use great
22 words, Latin words, that they reference these little
23 worms in the sea, and we should be able to include our
24 own language terminology into the process because the
25 terminology that you use are not translatable.
26 Interpreters are having hard time to keep up with these

1 Latin words because they're -- they are not
2 translatable.

3 Inuit know these little worms that you are
4 referring to because we do know what they look like and
5 what they are in Inuktitut, and we have to make sure
6 that Inuit knowledge includes because it's part of the
7 food chain, and because you can tell through those
8 worms whether there's whales nearby or not because it's
9 their food.

10 And on -- around Bruce Head, there's a survey done
11 from Bruce Head. They don't include these worms or
12 Latin words you use that don't have -- names in
13 Inuktitut are just a fraction of what I'm talking
14 about, and they're very important to Inuit because they
15 are part of our food chain, and those little worms --
16 there's little difference in names in Inuktitut for
17 them.

18 Of course, we have different dialects in South
19 Baffin and North Baffin. And because they are keeping
20 our ocean alive -- these little crustaceans or worms
21 that we are referencing keeps our ocean alive, and
22 because they are part of the food chain, and Inuit --
23 according to Inuit knowledge, we have this knowledge
24 that you are not accessing, and the constitution under
25 Section 35, it states that Inuit -- it's mandatory, a
26 must, that Inuit are involved in the process.

1 And these -- those worms that you are referring to
2 are -- we can't explain them by name, but if you look
3 at the food chain, they are part of the food chain and
4 very important to our marine area. And this -- this
5 constitution is the foundation of Canada, and we pay
6 taxes to the government to run the government. And
7 also those -- we don't want to contaminate or
8 extirpate these little worms that keep our oceans
9 alive.

10 And this is my question to Baffinland, DFO, and
11 Aboriginal affairs Canada. And Inuit -- you have to
12 include Inuit -- when you show these Latin words in
13 science and use scientific terminology, the Inuktitut
14 version of what you're presenting has to be on par.
15 They have to be balanced, and sometimes money is the
16 evil of all things all over the world because it can
17 crash countries. Thank you, Mr. Chairman -- or Madam
18 Chair.

19 THE CHAIR: First we'll go to Baffinland,
20 and then other registered intervenors.

21 Baffinland, Megan Lord-Hoyle.

22 MS. LORD-HOYLE: Megan Lord-Hoyle. Thank you
23 for sharing the comments.

24 Mr. Sangoya, you explained a lot in your comments,
25 so I may not address everything within -- within there,
26 but I want to highlight a few topics that you spoke to.

1 First I do want to address, you know, firsthand
2 information that's been shared with us and particularly
3 around ballast water and the fish die-offs that has
4 been shared with us from the community, and I do
5 acknowledge that. I understand concerns with ballast
6 water. I understand that there's been reports of
7 ballast water being discharged within Eclipse Sound and
8 that the fish die off.

9 And I want to respond to that by saying it's not
10 that we disagree with that information. We respect
11 that information, but our -- within our own monitoring
12 programs, we have not seen any evidence to suggest mass
13 fish die-offs or kills, and we also have contracts with
14 our shipping operators to not release ballast water
15 anywhere other than within Milne Port.

16 So the water that might be seen at Ragged Island
17 is recirculated sea water that's used for cooling to
18 ensure nothing freezes or for anchor wash, but we have
19 also extended our monitoring programs to Ragged Island
20 to account for -- for any concerns that have been
21 raised by the communities for this area.

22 It also speaks to what you are speaking to in
23 terms of Inuit involvement in -- in both the project
24 monitoring, this review process, and project changes in
25 the future. We do want and have Inuit involved in our
26 project monitoring, and as part of the commitments made

1 in Phase 2, that will be significantly strengthened,
2 and there will be a process in place for this feedback
3 to direct our operations and to direct our -- our
4 processes moving forward.

5 We see that as a benefit. Moving forward, we
6 think that we will -- Baffinland will be stronger as a
7 result of that, and we believe that there's a real
8 opportunity for Inuit and for the community of Pond
9 Inlet to be very deeply involved in our project
10 monitoring.

11 Lastly, I wanted to touch on the scientific terms
12 that are used. I do understand that it can be
13 difficult to follow when scientific terms are used.
14 We'll be more cognizant of that and -- and try to make
15 sure that even if there is a technical discussion
16 occurring, we'll also use more simplified language to
17 ensure that all parties can -- can follow the
18 conversation at the same time. Thank you.

19 THE CHAIR: Fisheries and Oceans Canada,
20 Gabriel Bernard-Lacaille.

21 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
22 Gabriel Bernard-Lacaille with Fisheries and Oceans
23 Canada.

24 First of all, I'd like to say thank you to Caleb
25 for sharing his Inuit knowledge with us. We've heard
26 some of the concerns that you've mentioned, and we

1 acknowledge some of the discussions yesterday might
2 have used some terminology that would have been
3 difficult for Inuit and their interpreters to follow
4 along with. So we definitely have taken note of that,
5 and we'll work hard to make sure that it's better in
6 the future. So thank you for sharing that knowledge.

7 Secondly, I'll talk about what you've said about
8 the worms. So we -- we recognize that -- what you've
9 shared with us, that Inuit are aware of these worms.
10 So -- and we recognize that they are important, but
11 it's important to make the difference that some of
12 these species are native, which means that their home
13 is the Arctic, and it's always been the Arctic, and
14 others might not call the Arctic their home, meaning
15 that they are invasive.

16 These invasive -- so exterior worms and these
17 native worms, they look very similar, so we need a
18 microscope to tell them apart. We know from other
19 places that invasive worms can be moved around by the
20 ships and that they can potentially have impacts to the
21 marine environment and can impact those native worms,
22 the ones that you and other Inuit might have observed
23 over the years and that are so important.

24 So that is why Fisheries and Oceans Canada raised
25 some of these issues yesterday, to ensure that the
26 Nunavut Impact Review Board would consider this

1 important information when making their recommendation
2 on the project.

3 And, finally, for ballast water, thank you again
4 for sharing your knowledge and concern about ballast
5 water and what you've observed at Ragged Island. We
6 also heard that you wish that Inuit be more involved
7 with things like ballast water, and to that effect, I
8 would like to let you know that work between Fisheries
9 and Oceans and Baffinland and Transport Canada, we've
10 developed -- or are developing a plan which is called
11 the "ballast water study plan", which is a
12 community-based sampling program that we want to
13 implement at the mine site.

14 The objectives of this plan is to involve Inuit
15 and community members to exchange knowledge, co-develop
16 research plans via community and Inuit involvement, and
17 provide training for Inuit individuals in affected
18 communities to participate in ballast sampling, and
19 build new and local capacity for risk assessments in
20 future ballast water monitoring at the Baffinland mine
21 site and maybe other sites in the future.

22 So I hope that this answers your question. Thank
23 you, Madam Chair.

24 THE CHAIR: Transport Canada, Jackie
25 Barker.

26 MS. BARKER: Thank you, Madam Chair. I'm

1 going to turn this over to Jaideep Johar who can
2 provide some additional information from Transport
3 Canada.

4 THE CHAIR: Jaideep Johar.

5 MR. JOHAR: Good morning, Madam Chair.
6 I'm just confirming if you can hear me.

7 THE CHAIR: Yes. You may proceed.

8 MR. JOHAR: Thank you, Madam Chair. Good
9 morning, Madam Chair. Jaideep Johar from Transport
10 Canada.

11 With regards to the questions for inspections and
12 for monitoring the ballast water, Transport Canada
13 has -- has specific regulations which are meant to
14 mitigate invasive species coming into Canadian waters.

15 A vessel which is coming to Milne Port is required
16 to send a 96-hours ballast water report to Transport
17 Canada. Transport Canada reviews that report for
18 compliance with the regulations.

19 Ships travelling in Canadian waters must report on
20 ballast water they carry and carry a plan that details
21 its ballast water management process. The ballast
22 water regulations prescribes the requirement of
23 managing ballast water in order to protect the marine
24 environment and ensure invasive species are not
25 introduced to Canadian waters.

26 This means a ballast water exchange plan that

1 takes local water of one area is replaced with the new
2 water from an area at a suitable distance and depth.
3 Transport Canada inspectors verify that ballast water
4 controlled management and regulations are followed
5 during our inspections.

6 Ballast water that is taken on board outside
7 waters under Canadian jurisdictions must not be
8 released in waters under Canadian jurisdiction unless
9 an exchange is conducted before the vessel enters these
10 waters in an area at least 200 nautical miles from
11 shore where the water depth is at least 2,000 metres.

12 With respect to ballast treatment, vessels can use
13 treatment systems as long as the vessel carries on
14 board all the proper documentation. Transport Canada
15 inspectors verify that ballast water regulations are
16 being followed during our inspection, and we sample the
17 ballast tanks for salinity. A Transport Canada
18 inspector has the powers to stop the ballast water
19 discharge or ask the ship to go out and carry out the
20 exchange again if the vessel is not meeting the
21 requirements with regards to salinity -- the salinity
22 test.

23 Transport Canada understands that Baffinland has a
24 ballast water sampling plan in place whereby all the
25 vessels which are coming to the Milne Port are
26 sampled -- each and every vessel is sampled, and

1 Baffinland is working very close with Transport Canada
2 and informs Transport Canada if there is any -- if they
3 find that the samples are not meeting the requirements.

4 We also understand that there is a significant
5 concern regarding environmental impacts from ballast
6 water for the project. Through discussions with
7 Baffinland and given the learning curve associated with
8 the use of ballast water treatment systems, Transport
9 Canada in consultation with Fisheries and Oceans and
10 Baffinland has developed a joint recommendation which
11 will have sampling and testing protocols based on
12 risk-based targeting methodology.

13 Just to summarize, Transport Canada has
14 regulations with regards to preventing invasive species
15 to come to the Canadian port. We do inspections to
16 verify vessel compliance, and we are working very
17 closely with Department of Fisheries and Oceans and
18 Baffinland to have a risk-based sampling program in
19 place to ensure that the concerns are recognized and
20 heard. Thank you very much for the opportunity, Madam
21 Chair.

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

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

1 Thank you for your comments, Caleb. I don't think
2 we can state this strong enough, but Inuit
3 participation is the key to the success of the Nunavut
4 Impact Review Board process. The Nunavut Impact Review
5 Board process is constitutionally protected. The Board
6 itself is established under the Nunavut Agreement, and
7 it's reinforced through the Nunavut Planning and
8 Project Assessment Act, and the Board's assessment
9 proceedings are designed to facilitate participation of
10 Inuit.

11 The review board's process provides Inuit with
12 opportunities to understand the project proposal, its
13 potential impacts, identify and express concerns
14 related to the project impacts, and to ensure those
15 concerns are considered and appropriately addressed by
16 both the review board and responsible ministers for the
17 project.

18 So I just want to state again your participation
19 is critical. It's needed in this process, and we'll
20 continue to provide -- make sure opportunities are
21 provided so that you can be heard. Qujannamiik, Madam
22 Chair.

23 THE CHAIR: It's about at the halfway
24 point this morning, so let's take a break until 10:30.

25 (ADJOURNMENT)

26 THE CHAIR: Welcome back, everyone.

1 Before we go to Agenda Item 3.5, Jayko Aloofoo had
2 his hand up before we broke for coffee.

3 Jayko Aloofoo (Elder) Questions Baffinland Iron Mines
4 Corporation, Parks Canada, Environment and Climate
5 Change Canada, Fisheries and Oceans Canada

6 MR. ALOOFOO: Can you hear me? Jayko
7 Aloofoo from Pond Inlet. I have some questions from
8 yesterday, and ...

9 In case there was an oil spill, how they would
10 respond to -- the emergency was discussed. I have a
11 question to Baffinland twice. I've monitored. In case
12 there was a spill, an emergency in Milne Inlet, in case
13 there was a spill for -- there was security. Like, I
14 wonder if their emergency measures were increased,
15 and -- when I was a monitor, there was one particular
16 case, and there was an example to protect the waters
17 from the oil spreading. And when the ships are
18 increased -- if Phase 2 happens and we -- do you have
19 any measures for the protection of spreading the oil
20 any further, you know, those protections with the works
21 of the Baffinland? What are your measures?

22 And for the Parks Canada: Following what I wrote
23 down, 24, 25 nest -- bird nests from our -- across
24 Pond Inlet, if the ships increase, and they'll be going
25 back and forth much more, and the smoke would spread
26 and drop on the land. And when the wind blows harder,

1 it will increase as to how far they will go, and what I
2 just -- there's -- there are a number of things in the
3 20s. And when I was a monitor, we've seen some of
4 these in Lancaster Sound behind it up to Milne Inlet,
5 and the geese also nest up on the hills in Cape Island.
6 So the bird issue and the geese, I'm thinking that they
7 need to be monitored and studied and protected. For
8 reason -- we already know through Milne Inlet they go
9 through that area, and today they move somewhere else,
10 and we notice they don't come back into the same area.

11 In Arctic Bay area, the fish and -- they have a
12 certain area they go to, the geese particularly, and
13 the geese are very important to us. This has to be
14 monitored and studied properly before Phase 2.

15 In January -- in February in our community in
16 Pond, when they had their technical hearing sessions, I
17 was part of it. I had a question -- I can't remember
18 exactly -- but people from Greenland -- I told the
19 government -- the federal government if they are
20 hunting in our waters when they come around, and the
21 narwhals are low in number these days coming to our
22 areas, our waters. So have you done any kind of review
23 or study to find out if the Greenlanders are coming to
24 our area to hunt narwhals in case somebody from
25 Greenland had showed up in our waters.

26 Thank you, Madam Chairperson.

1 THE CHAIR: First we'll go to Baffinland,
2 Megan Lord-Hoyle.

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

5 THE CHAIR: Lou Kamermans.

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

8 I'll just briefly talk about spill response under
9 Phase 2, and I want -- I want everyone to know our
10 spill response planning will continue much in the same
11 way as it does now.

12 We have a dedicated spill and (INDISCERNIBLE)
13 response time that describes how we'll respond to
14 spills, based on the severity. So based on how large a
15 spill is, we will have different responses, starting
16 with a low-risk response, which would largely be
17 handled by the vessel itself, which are all required to
18 be equipped with spill response equipment and plans.

19 For a larger spill than that, Baffinland will have
20 on-site equipment meant to be able to respond to a
21 spill. And then in the case of a very large spill, we
22 have an annual membership with Oil Spill Response Limited
23 to respond and assist in a cleanup, and at that level,
24 we would also likely be working with the Canadian Coast
25 Guard and Transport Canada to coordinate our response.

26 For Phase 2, though, we do have additional

1 equipment and vehicles that will be at site that could
2 assist in a spill response, and one thing we're looking
3 at specifically right now is equipping the Botnica,
4 which is our icebreaker that assists with shipping
5 during the ice periods, to have equipment on it, and
6 that vessel to assist in a spill if one were to happen.

7 So with that, I'll pass it to Mike Settingington
8 with Environmental Dynamics Incorporated -- they
9 carried out our assessment of the project's potential
10 impacts on birds -- just to speak at a very high level
11 at what we assessed for Phase 2 and what our
12 conclusions were and how we'll monitor birds going
13 forward.

14 I'll also just flag the question about
15 Greenlanders potentially hunting in the Nunavut
16 settlement area. That would likely be better answered
17 by a Government of Canada department. Thank you.

18 THE CHAIR: Mike Settingington.

19 MR. SETTINGINGTON: Thank you, Madam Chair. Mike
20 Settingington, Environmental Dynamics for Baffinland.

21 We assessed the effects on seabirds on the project
22 looking at the potential collisions with boats and
23 looking at their distribution and flightless migration
24 of murre. Oil spills and effects on birds was looked
25 at as accidents and malfunctions, looking at potential
26 colonies, and the way that we monitor seabirds now is

1 through collaboration with the Canadian Wildlife
2 Service and Environment and Climate Change Canada. I
3 conduct work at the seabird colonies on Bylot Island,
4 and Baffinland also supports work that Environment and
5 Climate Change Canada does along Hudson Strait.

6 Further to that, we also have protection measures
7 in place to avoid, as much as possible, flying over
8 habitat areas south of the mine site where the geese
9 are known to molt, where they lose their feathers and
10 are flightless for a period of time.

11 The other work that we also do is the shipboard
12 observer program, where the boats coming in and out of
13 Milne Inlet -- where they're not only watching for
14 marine mammals, they are also including seabird
15 observations as well.

16 Thank you, Madam Chair.

17 THE CHAIR: Parks Canada, Allison
18 Stoddart.

19 MS. STODDART: Thank you, Madam Chair. This
20 is Allison Stoddart with Parks Canada, and thank you so
21 much for the question.

22 Parks Canada has been and continues to be very
23 involved in the ongoing Nunavut Impact Review Board
24 review of the Phase 2 application to ensure that the
25 Board considers the context of Parks Canada's protected
26 areas in determining significance of impacts and in the

1 development of recommendations to the minister.

2 Throughout the process, Parks Canada has worked
3 and is working very closely with --

4 (INTERPRETER BELL)

5 THE CHAIR: Ms. Stoddart, please slow down
6 for the interpreter and pause between sentences.

7 MS. STODDART: Yes. I'm sorry.

8 THE CHAIR: Please proceed.

9 MS. STODDART: Okay. Thank you.

10 Parks Canada is working closely with other federal
11 departments, Department of Fisheries and Oceans,
12 Environment and Climate Change Canada, as well as
13 Transport Canada, to highlight potential impacts of the
14 project on both Sirmilik National Park and Tallurutiup
15 Imanga National Marine Conservation Area.

16 With respect to potential impacts on migratory
17 birds, Parks Canada has relied on and continues to rely
18 on the expertise of Environment and Climate Change
19 Canada.

20 So we will turn it now to Environment and Climate
21 Change Canada to provide any additional information as
22 it relates to impacts on migratory birds.

23 Thank you very much, Madam Chair.

24 THE CHAIR: Environment and Climate Change
25 Canada, Anna Graham.

26 MS. GRAHAM: Anna Graham, Environment and

1 Climate Change Canada. Thank you for the question.

2 Similar -- or I suppose to expand on what
3 Michael Settingington noted in his response, Environment
4 and Climate Change Canada participates and collaborates
5 with Baffinland to complete monitoring and marine bird
6 research at Cape Graham Moore on Bylot Island, and we
7 intend and hope to return in 2022 and 2023.

8 Some birds at the colony are being tracked, and
9 their distribution is being monitored in relation to
10 the proponent's current shipping route.

11 Generally, Environment and Climate Change Canada
12 monitors the distribution and abundance of migratory
13 birds in the Arctic. This allows us to identify key
14 important habitats and contributes to the development
15 of protected areas in land-use planning and decisions
16 on how these areas should be monitored in the future.

17 We also conduct research on the influence of
18 climate change and resource development on Arctic birds
19 through academic -- collaborations with academic
20 institutions and industries.

21 Long-term monitoring has allowed us to respond to
22 concerns raised by Inuit communities and expand on
23 research to address environmental assessment processes,
24 including issues raised by the current assessment
25 process. 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. Thank you for your question in regards to your
5 concerns about illegal hunting of narwhal from
6 Greenland.

7 So DFO is responsible for enforcement of the
8 Fisheries Act for the protection, conservation, and
9 management of fish, marine mammals, and their habitat,
10 and we work to enforce the Fisheries Act everywhere in
11 Canada, including Canadian waters which are located in
12 Baffin Bay and Davis Strait. This enforcement includes
13 making sure that there are no illegal fishing
14 activities in Canadian waters.

15 Our conservation and protection program makes
16 oversights and monitoring from time to time in the area
17 to ensure that there is indeed no illegal fishing in
18 the area.

19 Thank you, Madam Chair. I hope this answers the
20 question.

21 THE CHAIR: We are now moving on to
22 Item 3.6 of the agenda. Questions from one of the --
23 Hall Beach Hunters and Trappers Organization has
24 30 minutes to ask Baffinland or any other registered
25 intervenor their remaining questions or follow-up to
26 their written questions. Michael Ferguson.

1 Hall Beach Hunters and Trappers Organization Questions
2 Crown-Indigenous Relations and Northern Affairs Canada,
3 Qikiqtani Inuit Association, Fisheries and Oceans
4 Canada, Baffinland Iron Ore Corporation

5 MR. FERGUSON: Hello, can you hear me?

6 THE CHAIR: Yes. You may proceed.

7 MR. FERGUSON: Okay. Thank you, Madam
8 Chairperson. I am Mike Ferguson, technical advisor for
9 the Hall Beach Hunters and Trappers Association of
10 Sanirajak.

11 In the interests of time, I'm going to ask that
12 the answers to my questions will be possibly answered
13 in just one or two words or a brief sentence. I have
14 structured them in that way.

15 My first two questions are based on information
16 introduced by Baffinland in their public description of
17 Phase 2, a document entitled "Mary River Project,
18 Phase 2, Popular Summary", released in April of 2018.

19 I have two questions. The first one is for
20 Government of Canada, and the question has two parts.

21 Inuit may not support the as-yet unbuilt
22 Baffinland development approved in 2012 because of
23 impacts that they have seen from the much smaller
24 Milne Inlet Phase 1 development. The first part of my
25 question is: Under Section 12.8.2 of the Nunavut
26 Agreement, could local or regional Inuit, or other

1 parties, request that the applicable minister
2 reconsider and modify the 2012 approval for production
3 of 18 million tonnes of ore annually, and, if so, what
4 parties or groups would be eligible to request such a
5 reconsideration?

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

8 MR. DEWAR: Qujannamiik, Madam Chair.
9 Spencer Dewar, Crown-Indigenous Relations and Northern
10 Affairs Canada.

11 As that is a bit of a technical question, we'd
12 request just a few minutes to provide an appropriate
13 answer. Qujannamiik.

14 THE CHAIR: Sanirajak Hunters and Trappers
15 Organization. Mike Ferguson, did you want to present
16 your second question while they prepare their response?

17 MR. FERGUSON: Thank you, Madam Chair, and
18 thank you to Government of Canada. I look forward to
19 their answer.

20 My second question is for the Qikiqtani Inuit
21 Association, and a "yes" or "no" answer is preferred
22 for the sake of time.

23 Given that the Qikiqtani Inuit Association has
24 withdrawn support for Phase 2 and it's reported a
25 100 percent increase in ore production, has the
26 Qikiqtani Inuit Association also withdrawn, or will it

1 consider withdrawing its support for (AUDIO FEED LOST)
2 development of Baffinland's first proposal approved in
3 2012, which would lead to a combined 500 percent
4 increase in overall current ore production?

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

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

9 Our current position, which is developed by our
10 board of directors remains intact to support the
11 current project. However, throughout these proceedings
12 we've also identified many problems with the current
13 project that we're trying to work through. So until
14 that position changes, our support remains with the
15 Steensby project, which is the original project
16 presented to Inuit for approval. Thank you.

17 THE CHAIR: Crown-Indigenous Relations and
18 Northern Affairs Canada, Spencer Dewar.

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

22 We've reviewed the -- Section 12.8.2 of the
23 Nunavut Agreement, which is further clarified under the
24 Nunavut Planning and Project Assessment Act under
25 Section 112(1), and it would appear that any interested
26 person would be allowed to request a reconsideration.

1 Qujannamiik.

2 THE CHAIR: Sanirajak Hunters and Trappers
3 Organization, Mike Ferguson.

4 MR. FERGUSON: Thank you, Iksivauta, and I
5 thank the Qikiqtani Inuit Association and the
6 Government of Canada for their responses.

7 My next question is also for the Government of
8 Canada, probably DFO. My question is: Has the
9 Government of Canada determined the potential impacts
10 on walrus for up to three times the number of ore
11 carriers that currently travel from Milne Inlet in a
12 situation where the carriers may pass within 5 to
13 20 kilometres of one or more walrus haulouts?

14 THE CHAIR: Fisheries and Oceans Canada,
15 Gabriel Bernard-Lacaille.

16 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
17 Gabriel Bernard-Lacaille with Fisheries and Oceans
18 Canada. Thank you, Michael, for your question.

19 I would just like to state that generally, the
20 mitigation measures that we have proposed as part of
21 the Phase 2 review process should apply to all marine
22 mammals. But to speak briefly to walrus, I would like
23 to pass the microphone to our marine mammal expert
24 Marianne Marcoux.

25 Thank you, Madam Chair.

26 THE CHAIR: Marianne Marcoux.

1 DR. MARCOUX: Hello, this is Marianne
2 Marcoux with Fisheries and Oceans Canada. Thank you,
3 Mike, for your question.

4 The impact of the project on walrus was
5 investigated under this review. We know that the
6 walrus will be mostly impacted as part of the southern
7 route that will go through Steensby Port.

8 We also note that under our review, most of the
9 impact on walrus will be likely related to the spring
10 and fall shoulder season when ice breaking is proposed.

11 Thank you, Madam Chair.

12 THE CHAIR: Sanirajak Hunters and Trappers
13 Organization, Mike Ferguson.

14 MR. FERGUSON: Thank you to Gabriel and --
15 well, thank you first, Madam Chairman [sic], and thank
16 you to Gabriel and Marianne for their responses.

17 My next question is to Baffinland. How high is
18 the maximum wake of your ore carriers that Baffinland
19 may use in the future, and please describe the maximum
20 height of the potential wake relative to the height of
21 a floating 22-foot fiberglass boat or a swimming
22 narwhal or adult walrus at the water's surface. A
23 one-sentence response, I think, should suffice.
24 Thank you.

25 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

1 I'll ask Phil Rouget to respond referencing
2 Technical Supporting Document 22, the prop wash and
3 ship wake assessment. Thank you.

4 THE CHAIR: Phil Rouget.

5 MR. ROUGET: Thank you, Madam Chair.
6 Phil Rouget, Golder Associates.

7 Ship-generated waves are expected to be minimal
8 along the northern shipping route. Maximum wave
9 heights are predicted of 0.12 metres near the sailing
10 line and less than .05 metres at distances greater than
11 1 kilometre from the sailing line.

12 The wake height of the ships is primarily
13 constrained by the vessel speed limit of 9 knots along
14 the shipping route. This has been determined through
15 modelling and based on modelling results in relation to
16 wind/wave hindcast data. Overall, those wave heights
17 are lower than what would be generated naturally by
18 wind/wave occurrences in the area during both average
19 and peak wind conditions. Thank you.

20 THE CHAIR: Sanirajak Hunters and Trappers
21 Organization, Mike Ferguson.

22 MR. FERGUSON: Thank you, Madam Chairman,
23 and thank you to Phil for his response.

24 My next questions -- it's a single question --
25 it's to Baffinland -- but it has three parts, and it is
26 in regards to iron ore dust. I request that only a

1 "yes" or "no" answer is required, but you can give a
2 "yes" or "no" answer to the three parts, if they are
3 different.

4 Has Baffinland requested or funded studies of
5 potential impacts of various levels of iron ore dust
6 contamination on the following: (a) the growth and
7 reproduction of lichens, small flowering plants, grass,
8 and grasses that may be eaten by caribou and other
9 herbivores; (b) the taste acceptability and
10 digestibility of lichens, small flowering plants, and
11 grasses for caribou and other herbivores; Part (c) the
12 reflectivity and radiant heat absorption of snow, the
13 timing of snow melt, potential resulting drying of
14 tundra vegetation, and vegetation growth and
15 reproduction on potentially drier tundra. That's my
16 question. Thank you.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

18 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
19 Mike Settingington with Environmental Dynamics to
20 respond.

21 THE CHAIR: Mike Settingington.

22 MR. SETTINGINGTON: Madam Chair, Mike Settingington
23 with Environmental Dynamics for Baffinland.

24 The first question Mr. Ferguson asked, have we
25 conducted studies on various levels of iron ore dust
26 contamination and effects on vegetation. Madam Chair,

1 that is something we monitor directly. We've described
2 our vegetation monitoring programs many times.

3 His second question, have we commissioned studies
4 on taste acceptability of iron ore dust on vegetation
5 by caribou and other herbivores. No, we have not.

6 And the third question on reflectivity on snow and
7 green-up conditions. Madam Chair, that is something we
8 monitor directly, the timing of green-up using
9 satellite imagery and, again, correlated with our
10 vegetation monitoring program. Thank you, Madam Chair.

11 THE CHAIR: Sanirajak Hunters and Trappers
12 Organization, Mike Ferguson.

13 MR. FERGUSON: Thank you, Madam Chairman, and
14 thank you to Baffinland and Mike Setterington for the
15 answers.

16 I would suggest on those types of parameters, IQ
17 could probably provide the -- I mean, Inuit
18 Qaujimajatuqangit could potentially provide good
19 insights into these types of potential impacts of iron
20 ore dust, and I would encourage that Baffinland engages
21 with Inuit to give their assessments of the
22 interactions and issues regarding iron ore dust. I'll
23 go on to my next question.

24 In 2007 and 2008, Baffinland and their consultants
25 started conducting interviews and workshops to collect
26 Inuit Qaujimajatuqangit. My first question in this

1 area is: In an effort to learn from Inuit while
2 developing appropriate monitoring and mitigative
3 measures, did Baffinland or its consultants ask Inuit
4 experts to specifically describe when, where, and under
5 what circumstances various wildlife species are most
6 sensitive to potential effects of Baffinland's future
7 development. A "yes" or "no" answer is fine.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

9 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
10 Richard Cook with Knight Piésold to provide a response.

11 THE CHAIR: Sanirajak Hunters and Trappers
12 Organization, this is also your six-minute warning.

13 Baffinland, Richard Cook.

14 MR. COOK: Madam Chair. Thanks for that
15 question, Michael.

16 Yes. We did ask Inuit experts where and when
17 wildlife were most sensitive. That included caribou in
18 terms of calving, post-calving in particular; seals,
19 obviously pupping on the ice; and narwhal and other
20 marine mammal species.

21 Thank you, Madam Chair.

22 THE CHAIR: Sanirajak Hunters and Trappers
23 Organization, Michael Ferguson.

24 MR. FERGUSON: Thank you, Madam Chair, and
25 thank you, Richard, for his reply.

26 I would now just like to just give my questions,

1 which can be answered either in writing later or, if
2 there's time, while we're in the session.

3 My first question -- or my first question, which I
4 will provide altogether with the others, why does
5 Baffinland seem to emphasize or focus its attention on
6 assessing the impacts of development on caribou after
7 their abundance increases sometime in the future?
8 That's the first question.

9 Next question: Given the fact that Inuit know
10 that caribou are most sensitive to human impacts when
11 their populations are low in abundance and least
12 sensitive when their populations are high in abundance,
13 should Baffinland find a way to focus -- shift their
14 focus on monitoring and assessment of potential impacts
15 on caribou while the population is still low?

16 The second -- or next question: Inuit are capable
17 of assessing impacts of development on caribou and
18 other animals because they have extensive historical
19 knowledge of normal distributions or observed
20 distributions at all densities and abundance of caribou
21 and other animals. Will Baffinland work with Inuit
22 harvesters and other Inuit experts to develop methods
23 to monitor and assess impacts on caribou while the
24 population remains low?

25 Next question: Baffinland's consultants appear to
26 rely on available Inuit Qaujimagatugangit

1 documentation; however, the various consultants could
2 not reach the same conclusions that Inuit provide when
3 Inuit use their own knowledge. Will Baffinland commit
4 here today to open their collective eyes and minds to
5 the incredible wealth of insight and expertise of Inuit
6 Qaujimagatuqangit, and make the demonstrable strides to
7 integrate Inuit fully in impact assessment monitoring
8 and mitigation that will be seen by them to be
9 meaningful and open, not based on Baffinland's
10 standards, but based on the standards of Inuit
11 themselves.

12 And my last question: In order to increase the
13 incorporation of Inuit Qaujimagatuqangit, will
14 Baffinland welcome all interested HTOs and the
15 Qikiqtaaluk Wildlife Board to participate in the
16 terrestrial and marine environmental working groups on
17 an ongoing, funded basis? Those are my questions.

18 Thank you.

19 THE CHAIR: Baffinland, Megan Lord-Hoyle.

20 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
21 Mike Setterington to provide a response to the first
22 two questions, and then I will speak to the remaining
23 questions. Thank you.

24 THE CHAIR: Mike Setterington.

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

1 To Mike Ferguson's first question on why does
2 Baffinland focus their assessment on caribou after
3 their abundance increases in the future, Madam Chair,
4 our assessment did not focus on just increased caribou
5 abundance. Our assessment focused on the entire
6 population cycle, recognizing low and greater abundance
7 of caribou.

8 THE CHAIR: Mr. Settingington, please slow
9 down and pause between sentences.

10 MR. SETTINGINGTON: I apologize, Madam Chair.

11 I'd just like to repeat that our assessment does
12 focus on the complete population cycle of caribou. We
13 recognize low abundance and high abundance, and that is
14 addressed in our impact assessment.

15 On the second question from Mike Ferguson about
16 caribou being more sensitive at low populations and
17 least sensitive at greater populations, and are we --
18 should we be focusing more monitoring now on caribou
19 than later -- is the way I understood the question,
20 Madam Chair -- we have monitoring programs in place
21 looking for individual caribou, and we are observing
22 individual caribou interacting with the project, and we
23 also have monitoring and research programs designed and
24 in place for when the caribou populations are in
25 greater abundance. So, Madam Chair, we do have
26 monitoring programs in place for caribou through the

1 entire population cycle, and that is described in our
2 terrestrial environment mitigation and monitoring
3 plans.

4 Thank you, Madam Chair. I'll return the rest of
5 the questions back to Megan Lord-Hoyle.

6 THE CHAIR: Megan Lord-Hoyle.

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

8 The remaining questions all centred around
9 ensuring that Inuit were fully involved in the
10 monitoring of the project, specifically it mentioned
11 caribou and making sure that Inuit are fully engaged in
12 a way that is meaningful to Inuit. And the short
13 answer is, yes, we commit to doing that. We have been
14 actively engaging with Inuit in incorporating Inuit
15 feedback into the project.

16 Madam Chair, to demonstrate these commitments, I
17 will provide a reminder of some of the programs that we
18 envision. The Inuit stewardship plan, which will have
19 two fully funded committees for project monitoring and
20 to inform project decision-making. Within the adaptive
21 management plan, which drafts have been provided to the
22 Board already, there is a placeholder specifically for
23 Inuit objectives, indicators, and thresholds that are
24 solely based on Inuit standards, not Baffinland's.
25 Although Baffinland's objectives and indicators are
26 included in those documents, there is a place

1 specifically for Inuit to inform those plans, and that
2 will be held -- that Baffinland will be held
3 accountable to meet.

4 We've also committed to updating the Inuit
5 Qaujimagatuqangit management framework and have asked
6 that communities approve those frameworks. So these
7 are some of the ways that we envision strengthening
8 Inuit involvement in the project.

9 For caribou-specific monitoring, we believe and
10 have stated that the best knowledge we have learned has
11 been directly from Inuit. We've committed to build
12 three research stations or observation stations along
13 the rail line and want all of those stations to be
14 staffed by Inuit, who can provide observations of
15 caribou and wildlife in the area directly to
16 Baffinland, to help inform our management in our
17 operations. Thank you.

18 THE CHAIR: Next on the agenda, the
19 Nangmautaq Hunters and Trappers Association will have
20 30 minutes for their remaining questions and follow-ups
21 to their written questions. Jerry Natanine.
22 Hamlet of Clyde River Questions Hamlet of Pond Inlet,
23 Government of Nunavut, Parks Canada, Fisheries and
24 Oceans Canada

25 MR. NATANINE: Thank you, Chairperson. The
26 Hamlet of Clyde River and then after us Nangmautaq

1 Hunters and Trappers, please. Bernauer may also speak,
2 if we have not run out of time.

3 The first, Hamlet of Pond Inlet -- is the question
4 to the hamlet in Pond Inlet -- to Mayor Arreak in Pond
5 Inlet. Hamlet had stated that they want to slow
6 down -- if it's possible, if Baffinland could slow down
7 the production, they would be able to support Phase 2.
8 But now we hear that Baffinland is saying that they
9 would slowly increase the project. So the big question
10 is: If -- are they supporting Phase 2 now? That's my
11 question to the Hamlet of Pond Inlet, if he could
12 answer as a hamlet council, and the mayor manages the
13 council.

14 When they talk about -- do they try to find out
15 from -- the people's concerns about the wildlife? When
16 Inuit say that the wildlife might move away, would the
17 narwhals be moving? The seals and the fish, would they
18 be moving? When the Inuit mention those things, what
19 does the council do in those situations? Thank you.

20 THE CHAIR: Hamlet of Pond Inlet, Frank
21 Tester.

22 MR. TESTER: Madam Chair, Frank Tester,
23 technical advisor, Hamlet of Pond Inlet.

24 As I listen to that question, it was directed to
25 Mayor Joshua Arreak, and if the mayor is present,
26 perhaps he could answer the question, as it was

1 directed at him.

2 THE CHAIR: Joshua Arreak, do you want to
3 answer the question? You will need to affirm.

4 MS. MEADOWS: Thank you, Madam Chair.

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

7 So, Madam Chair, Mr. Arreak had not been sworn in
8 or affirmed during the previous public hearing
9 sessions, so I would like to now swear him in so that
10 he can provide this response on the record.

11 If I can have the witness state and spell his name
12 for the record, please.

13 MR. ARREAK: Joshua Arreak. Joshua,
14 J-O-S-H-U-A, Arreak, A-R-R-E-A-K.

15 MS. MEADOWS: Teresa Meadows, legal counsel
16 for the Nunavut Impact Review Board. Thank you.

17 If I can have you put your right hand on the Bible
18 and raise your left hand.

19 JOSHUA ARREAK, Sworn

20 MS. MEADOWS: Thank you.

21 Thank you, Madam Chair. Those are my procedural
22 matters.

23 THE CHAIR: Joshua Arreak.

24 MR. ARREAK: Thank you, Chairperson.

25 For that question regarding the enlargement of the
26 project that once Phase 2 is starting we were going to

1 approve it, that's not what it said. We did not want
2 to have a double production right at the beginning of
3 the approval of this phase. There would be great
4 change to our environment because of the marine
5 environment, if that was to be the case. That -- if
6 they were going to enlarge the project, there would
7 be -- if there was an approval, that the condition
8 would be -- that we would like to have on that
9 condition -- project approval condition, that we would
10 have increases -- small increases so that during that
11 period we could find out how the different kind of
12 project is affecting it. Thank you.

13 THE CHAIR: Just to clarify, I looked
14 over, and I changed the intervenor on the agenda. The
15 Hamlet of Clyde River, Jerry Natanine.

16 MR. NATANINE: (INUKTITUT SPOKEN - NO
17 TRANSLATION). The next question is to Government of
18 Nunavut. Thank you for Mayor Arreak to mentioning the
19 other explanation.

20 The Government of Nunavut said that it had no
21 outstanding concerns with the project proposal.
22 Representatives from Clyde River asked the government
23 several times whether or not their biologist agreed
24 with Baffinland's conclusions that its project would
25 have no significant effects on caribou. The government
26 did not say there was disagreement between its

1 scientists and the proponent; however, in its
2 presentation at the January 21 hearings, the Government
3 of Nunavut said that its scientists disagreed with the
4 proponent's conclusions about caribou. I would like to
5 ask the biologist: Where did this new disagreement
6 come from? Why did the GN, Government of Nunavut, go
7 from having no concerns to having concerns again? Was
8 the government made aware of new evidence? If so,
9 where did it come from?

10 Thank you, Madam Chair.

11 THE CHAIR: Government of Nunavut,
12 Natalie O'Grady.

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

15 We're just under 15 minutes out from lunch. I
16 just want to double-check, make sure our biologist is
17 on the phone, so if we can defer to immediately after
18 lunch, I'll make sure he speaks directly to
19 Mr. Natanine directly, if that's okay.

20 THE CHAIR: Hamlet of Clyde River,
21 Jerry Natanine.

22 MR. NATANINE: Thank you, Madam Chair.

23 If the biologist can answer in front of everyone,
24 that would be appreciated.

25 Last question is to Parks Canada. The communities
26 in North Baffin have put a lot of work into creating

1 the national marine conservation area, Lancaster Sound,
2 and my question to them is: Could this project, the
3 Phase 2 project, harm the ecological values that the
4 marine conservation area is supposed to protect? Does
5 the Parks Canada believe that it can harm the area?
6 Thank you.

7 THE CHAIR: Parks Canada, Allison Stoddart.

8 MS. STODDART: Thank you, Madam Chair. This
9 is Allison Stoddart with Parks Canada.

10 I too would like to confer quickly with my
11 colleagues on this question, so if we could defer our
12 answer until after the lunch break, we will provide an
13 answer then. Thank you.

14 THE CHAIR: Hamlet of Clyde River,
15 Jerry Natanine.

16 MR. NATANINE: Thank you, Madam Chair, very
17 much, and our expert, Warren, has some questions as
18 well. That's it for me. Thank you.

19 THE CHAIR: Warren Bernauer.

20 DR. BERNAUER: Thank you, Madam Chair.
21 Warren Bernauer for Clyde River. Can you hear me
22 clearly?

23 THE CHAIR: Yes. You may proceed.

24 DR. BERNAUER: Thank you.

25 I have a question for the Department of Fisheries
26 and Oceans Canada. On Monday, I asked Baffinland

1 questions about a research paper about cortisol levels
2 in narwhal near Baffinland's shipping operations. The
3 paper was published earlier this year in a
4 peer-reviewed scientific journal. Several of the
5 authors have doctorates, and an Inuk researcher is a
6 co-author. The paper documents an increase in stress
7 hormones in narwhal since the Mary River mine began
8 operations.

9 Baffinland has been very critical of this paper.
10 One of its major criticisms is that the raw data is not
11 publicly available. I suggested that this criticism is
12 unfair because the raw data is not available for
13 Baffinland's own research as well as the other papers
14 it cites in its impact statement.

15 Moreover, many of the other concerns that
16 Baffinland has raised with this paper appear to me to
17 be valid questions for future research, but in no way
18 whatsoever detracts from the value of this paper on
19 cortisol.

20 Now, the lead author of this paper, Dr. Courtney Watt,
21 is a Department of Fisheries and Oceans employee. My
22 question is: Does Dr. Watt have a response to
23 Baffinland's criticisms of her work, and, if so, can
24 she please share her response with us today.

25 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. Thank you, Warren, for your question.

5 In response to your question, Fisheries and Oceans
6 Canada has reviewed the information -- sorry, has read
7 the critique provided by Baffinland about the
8 Watt et al. 2021 study. At this time, the department
9 does not feel the need to respond to Baffinland's
10 critique. Fisheries and Oceans Canada is confident in
11 its adherence to the scientific process and trusts the
12 process associated with publishing papers in the
13 peer-reviewed scientific journal.

14 DFO stands by the research and its potential, but
15 acknowledges, as does the paper itself, that it has
16 certain limitations.

17 Thank you, Madam Chair. I hope this answers the
18 question.

19 THE CHAIR: It's just about 12:00. We're
20 going to take a lunch break 'til 1:15 and then continue
21 with questions from the Hamlet of Clyde River.

22

23 (PROCEEDINGS ADJOURNED UNTIL 1:15 PM)

24

25 (PROCEEDINGS RECOMMENCED AT 1:17 PM)

26 THE CHAIR: Welcome back, everyone.

1 Before we go back to responses to questions from
2 Clyde -- Hamlet of Clyde River, there was a question
3 missed from the Sanirajak Hunters and Trappers
4 Organization.

5 NIRB executive director, Karen, if you can please
6 read the correct question.

7 MS. COSTELLO: Thank you, Madam Chair. My
8 apologies. My computer is still at lunch.

9 The question from the Sanirajak Hunters and
10 Trappers Association was as follows -- and it was posed
11 to Baffinland -- in order to increase incorporation of
12 IQ, will Baffinland welcome all interested hunters and
13 trappers organizations and the Qikiqtaaluk Wildlife
14 Board to participate in the terrestrial and marine
15 environmental working groups on an ongoing-funded
16 basis? Thank you, Madam Chair.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.
18 Deferred Response from Baffinland Iron Mines
19 Corporation

20 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
21 Thank you, Madam Chair, and -- and, Ms. Costello, for
22 the clarification for us to provide a response.

23 At this time, no, Baffinland will not be
24 committing to having all hunters and trappers
25 organizations and the Qikiqtaaluk Wildlife Board join
26 the working group. We note that within the terms of

1 reference for the working groups themselves, there's a
2 mechanism for additional parties to be added.

3 That said, the reason why we're saying no at this
4 time is more based around the intent of the Inuit
5 Stewardship Plan and the Inuit committees, and we
6 believe likely the intent of having the -- or the
7 intent behind the request to have other communities
8 participate in the working group could be satisfied
9 through the Inuit committees, which will have seats for
10 all communities.

11 It's a representation from all communities. It
12 will be part of the Inuit committees, and later
13 Baffinland in response to also a question from
14 Crown-Indigenous Relations will be further describing
15 how we envision the working groups interacting with the
16 Inuit committees.

17 So I think with that we'll leave it, and there may
18 be more follow-up on this during our discussion later.
19 Thank you.

20 THE CHAIR: Going back to questions from
21 the Hamlet of Clyde River. There were 15 minutes left
22 in your follow-up, and there were deferred responses
23 from the Government of Nunavut and Parks Canada.

24 First, the Government of Nunavut, Natalie O'Grady.
25 Deferred Response from Government of Nunavut

26 MS. O'GRADY: Thank you, Madam Chair.

1 Natalie O'Grady, Government of Nunavut. Thank you,
2 Jerry, for your question.

3 I just wanted to note we've heard your -- heard
4 your concerns a number of times now, the government not
5 having our biologists and scientists available in these
6 proceedings, and I just wanted to note for you that
7 Mr. Atkinson was our technical expert and biologist all
8 throughout the development of every one of our written
9 and oral submissions on this file.

10 So he is the -- certainly the best person to -- to
11 speak directly to our analysis and positions on the
12 file. So I'd like to pass it over to Mr. Atkinson to
13 answer Jerry's questions.

14 THE CHAIR: Stephen Atkinson.

15 MR. ATKINSON: Hello. Stephen Atkinson on
16 behalf of the Government of Nunavut. Can you hear me?

17 THE CHAIR: Yes. You may proceed.

18 MR. ATKINSON: Thank you. Thank you, Madam
19 Chair, and thank you, Mayor Natanine, for your great
20 question regarding caribou and the project.

21 Your question was asking why the Government of
22 Nunavut's position or review of the project's effects
23 on caribou seems to have changed from a position of
24 concern to no concern with respect to the -- with
25 respect to impacts on caribou.

26 I -- I think this is perhaps a misunderstanding.

1 The GN's position -- the Government of Nunavut's
2 position on this issue has been consistent throughout
3 the review of this Phase 2 project, and that review of
4 the government's review and its -- its outcome or its
5 position has been that it does not agree with all of
6 the conclusions reached by Baffinland with respect to
7 the effects of the Phase 2 project on caribou,
8 potential effects.

9 In particular, I would point out the final written
10 submission of the Government of Nunavut, two particular
11 comments. The first was GN-04 in which it is stated
12 that it is the view of the Government of Nunavut that
13 the proponent's conclusions relating to the physical
14 structure of the northern railway and its effects on
15 the movement of caribou are of low rather than medium
16 confidence.

17 The GN concludes that most of the 110-kilometre
18 northern railway's embankment will, as currently
19 designed, be high enough, steep enough, and built of
20 rock that is large enough to prevent caribou from
21 crossing the railway and/or could significantly
22 increase the risk of injury in caribou that attempt to
23 cross.

24 I would also point to GN Final Written Submission
25 Comment 05, which was a cumulative effects assessment
26 in which the Government of Nunavut states the GN

1 disagrees with the analysis and revised -- and
2 conclusions in the revised cumulative effects
3 assessment as for caribou.

4 The GN concludes that there are technical concerns
5 in the revised cumulative effects assessment. Overall,
6 the GN has low confidence in the conclusions of the
7 revised cumulative effects assessment for caribou
8 habitat. The lack of consultation of the GN and high
9 uncertainty surrounding primary inputs to the
10 cumulative effects assessment are the main reasons for
11 this lack of confidence.

12 So I just want to use those to highlight that the
13 Government of Nunavut has been clear that it did not
14 necessarily agree with all of the conclusions.
15 However, this -- the GN's lower confidence in
16 predictions relating to caribou obviously is perceived
17 as a risk of the Phase 2 project, and in order to
18 address this risk, the GN has through the review
19 process sought a series of mitigation and monitoring
20 measures designed to try to reduce the risk to caribou.

21 First of all, during the technical phase, the
22 Government of Nunavut sought a commitment or obtained a
23 commitment from Baffinland to hold a railway caribou
24 crossing workshop specifically to increase the
25 community input into the design of the railway.

26 Earlier in the technical phase, the Government of

1 Nunavut identified that the rock -- quarry rock
2 material used to build the embankment would be Type 12
3 material, which is up to 1 metre in diameter, and
4 identified this as a potential problem.

5 And in response, Baffinland agreed to use a
6 smaller Type 8 material. The GN also sought
7 commitments to generally gentle the slope of the
8 embankment to make it less steep to which Baffinland
9 committed to a 2-to-1 run-to-rise general slope.

10 The GN also sought a commitment to -- from the
11 proponent and obtained that commitment for a pilot
12 project to build at least 10 kilometres of the railway
13 at a 3-to-1 run-to-rise slope, in other words, gentler
14 slopes and with finer material to facilitate caribou
15 crossing, and that this -- the locations of this
16 10 kilometres of railway would be -- would be based on
17 consultation with the terrestrial ecosystem working
18 group and the Inuit committees.

19 The GN also obtained a commitment, Number 65, for
20 further research into zones of influence affecting
21 caribou around the project and disturbance
22 coefficients. These are the things that are needed in
23 order to update or test the cumulative effects
24 predictions for caribou habitat.

25 And, finally, the GN obtained a commitment,
26 Number 68, from Baffinland for regional-scale caribou

1 monitoring. Since this is the private monitoring that
2 the Government of Nunavut feels is most likely to
3 detect project effects on caribou movements and
4 distribution early in the life of the Phase 2 project
5 and at the current low densities of caribou, assuming
6 these things are done as intended, these mitigation
7 measures -- it remains to be seen whether these
8 mitigation measures will be successful. However, with
9 the monitoring (INTERPRETER BELL) commitments made by
10 Baffinland --

11 THE CHAIR: Mr. Atkinson, please slow down
12 for the interpreter.

13 MR. ATKINSON: Yes.

14 THE CHAIR: And pause between sentences.

15 MR. ATKINSON: Apologies.

16 THE CHAIR: You may proceed.

17 MR. ATKINSON: Thank you, Madam Chair.

18 However, with the monitoring commitments made by
19 Baffinland, in particular regional scale caribou
20 monitoring envisioned by the Government of Nunavut, if
21 these commitments are fulfilled, there will be a flow
22 of data which can be used to assess the effectiveness
23 of the mitigation measures and, if necessary, feed into
24 the project's adaptive management processes. Thank
25 you.

26 THE CHAIR: Hamlet of Clyde River. This

1 is also your seven-minute warning. Warren Bernauer.
2 Hamlet of Clyde River Questions Baffinland Iron Mines
3 Corporation

4 MR. BERNAUER: Thank you, Madam Chair.

5 I appreciate the response from Fisheries and
6 Oceans to my question about the cortisol study. I
7 would just like to reiterate that this paper was
8 peer-reviewed by specialists in the field.
9 Baffinland's criticisms of the paper seem to me unfair
10 as similar criticisms could be made of Baffinland's own
11 research.

12 At the end of the day, the research paper
13 indicates a correlation between stress in narwhal and
14 Baffinland's operations. If Baffinland were truly
15 following the precautionary principle, as far as I can
16 tell, it should introduce new mitigations even if the
17 direct cause of this disturbance is unknown or
18 uncertain. This raises serious questions about how
19 Baffinland will implement adaptive management if
20 Phase 2 proceeds.

21 This concludes my questions. I believe Steven
22 Aipellee from the hunters and trappers association has
23 some questions to ask, and once Steven is done,
24 Dr. Glen Hostetler will have follow-up questions
25 related to the Clyde River Hamlet and Hunters and
26 Trappers Association's joint submissions and

1 interventions into this review process. Thank you,
2 Madam Chair.

3 THE CHAIR: Before we go to responses from
4 the proponent and other intervenors on the agenda, the
5 Hamlet of Clyde River and the Clyde River Hunters and
6 Trappers Organization are registered as two separate
7 intervenors, so we're going to finish the line of
8 questioning for the Hamlet of Clyde River, and then
9 we'll move on to the Clyde River Hunters and Trappers
10 Organization.

11 First we'll go to Baffinland and the deferred
12 response from Parks Canada. Baffinland, Megan
13 Lord-Hoyle.

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

15 I think -- I'm not sure I heard a question from
16 Mr. Bernauer, but I do want to emphasize, Madam Chair,
17 that Baffinland has introduced mitigation measures
18 previously in its operations as a precautionary
19 approach as Mr. Bernauer has suggested. So I think
20 I'll leave it there. Thank you.

21 THE CHAIR: Parks Canada, Allison
22 Stoddart.

23 Deferred Response from Parks Canada

24 MS. STODDART: Thank you, Madam Chair. This
25 is Allison Stoddart with Parks Canada.

26 So first we would just like to recognize and

1 appreciate all the hard work and involvement of the
2 North Baffin communities in the development and ongoing
3 establishment of Tallurutiup Imanga National Marine
4 Conservation Area. We would also like to thank the
5 Inuit who have shared their expertise and knowledge
6 throughout this review process as it will equally be
7 considered by the Board along with other interventions.

8 Due to Parks Canada's concerns with the Phase 2
9 proposal, Parks Canada has been and continues to be
10 involved in the ongoing Board review of the Mary River
11 Phase 2 application to ensure that the Board considers
12 the context of both Sirmilik National Park and
13 Tallurutiup Imanga National Marine Conservation Area in
14 the development of their report and recommendations to
15 the minister.

16 Parks Canada is working closely with the
17 Department of Fisheries and Oceans, with Environment
18 and Climate Change Canada, and Transport Canada to
19 highlight potential impacts of the project on both
20 Sirmilik National Park and Tallurutiup Imanga National
21 Marine Conservation Area.

22 Throughout the Board's review, Parks Canada has
23 raised concerns related to impacts from project
24 activities on visitor experience, caribou, marine
25 mammal condition, distribution and abundance, impacts
26 of any changes to marine mammals on Inuit culture and

1 traditional use, the marine environment from an
2 increase in ballast water and biofouling, and risks of
3 aquatic invasive species.

4 At this time, the key concerns that we are
5 focusing on are related to impacts of the project on
6 marine mammals from shipping, in particular from
7 icebreaking, acoustic effects, and ballast water
8 discharge.

9 Parks Canada relies on the expertise of the
10 Department of Fisheries and Oceans Canada to assess the
11 potential adverse impacts of the project proposal on
12 the marine environment in general and marine wildlife
13 in particular. Thank you very much.

14 THE CHAIR: Moving on to the next item in
15 the agenda, the Namautaq Hunters and Trappers
16 Association will have 30 minutes for their remaining
17 questions and follow-ups to their written questions.

18 Steven Aipellee.

19 Namautaq Hunters and Trappers Organization Questions
20 Baffinland Iron Mines Corporation, Fisheries and Oceans
21 Canada, Parks Canada, Qikiqtani Inuit Association,
22 Mittimatalik Hunters and Trappers Organization, World
23 Wildlife Fund, and Oceans North Canada

24 MR. AIPELLEE: Thank you, Madam Chair.

25 Steven Aipellee, Namautaq Hunters and Trappers
26 Organization.

1 My question is to members and observers of the
2 marine environmental working group, Department of
3 Fisheries and Oceans Canada, Parks Canada, Qikiqtani
4 Inuit Association, Mittimatalik Hunters and Trappers
5 Organization, World Wildlife Fund, and Oceans North
6 Canada.

7 My question is about a document Baffinland
8 circulated in late March. In Appendix 12 of its
9 response to written questions, Baffinland included a
10 marine mammal trigger action response plan. This
11 document contains information Clyde River has been
12 asking for since last fall. This is one of the most
13 important documents in this review. Maybe the most
14 important.

15 But it was submitted last minute and buried inside
16 an appendix of question responses. I want to know if
17 the members of the marine working group have reviewed
18 this new marine mammal trigger action response plan.
19 If so, how thoroughly have you reviewed it? Have you
20 identified any problems or concerns with the plan?

21 Again, I would like responses from Department of
22 Fisheries and Oceans Canada, Parks Canada, Qikiqtani
23 Inuit Association, Mittimatalik Hunters and Trappers
24 Organization, Oceans North, World Wildlife Fund Canada.
25 Thank you, Madam Chair.

26 THE CHAIR: First we'll go to Baffinland,

1 Megan Lord-Hoyle.

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

4 THE CHAIR: And when you provide your
5 response, can you please list the members of the marine
6 working group. I don't have it immediately in front of
7 me. Lou Kamermans.

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

10 I'm not sure it is necessary to have to call on
11 the marine environment working group members after my
12 response. What was provided on March 22nd with our
13 responses to questions was the first time all members
14 of the marine environment working group would have had
15 access to those draft documents.

16 They had been developed as part of a drafting
17 process with the Qikiqtani Inuit Association. The
18 intent was to develop to a point where we could have
19 initial agreement between our two organizations, and
20 then the Qikiqtani Inuit Association was going to lead
21 engagement with Inuit on the agreed to -- the
22 already -- the preliminary trigger action response plan
23 tables and action tool kits.

24 If there is a need to poll the marine environment
25 working group members, they include the Qikiqtani Inuit
26 Association, Department of Fisheries and Oceans, Parks

1 Canada, the Mittimatalik Hunters and Trappers
2 Organization, and as observers, we have the World
3 Wildlife Fund and Oceans North. Thank you.

4 THE CHAIR: First we'll go to Fisheries
5 and Oceans Canada, Gabriel Bernard-Lacaille.

6 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
7 Gabriel Bernard-Lacaille with Fisheries and Oceans
8 Canada. Thank you for your question.

9 I would first like to start our response by saying
10 that, yes, we are aware of Appendix 12. However, given
11 that it was submitted very shortly prior to the
12 resumption of this public hearing, we are still
13 compiling our comments and doing our review of this
14 plan. So we're unable to comment at this time on
15 specific threshold and -- and/or actions that should be
16 undertaken if these thresholds are met.

17 But we would like to agree with what you've said
18 that this adaptive management plan, these thresholds,
19 and potential actions in response to these thresholds
20 of -- are of the utmost importance for the protection
21 of the marine environment, and the Department of
22 Fisheries and Oceans looks forward to continuing our
23 review and working collaboratively with Inuit, other
24 members of the marine environmental working group, and
25 Baffinland in order to make this plan fully operational
26 and successful in protecting the marine environment.

1 Thank you, Madam Chair.

2 THE CHAIR: Parks Canada, Allison
3 Stoddart.

4 MS. STODDART: Thank you, Madam Chair. This
5 is Allison Stoddart with Parks Canada.

6 We -- we too are aware of Appendix 12, so we have
7 received it. However, we have not had the opportunity
8 at this time to have fully reviewed it. So we would
9 echo the Department of Fisheries and Oceans' comments
10 in that we -- we would need more time to review.

11 We would also like to reiterate that Parks Canada
12 relies on the expertise of the Department of Fisheries
13 and Oceans, specifically related to their expertise on
14 impacts in the marine environment and, in particular,
15 on marine mammals. Thank you very much.

16 THE CHAIR: Qikiqtani Inuit Association,
17 Jared Ottenhof.

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

20 The trigger action and response plans are a
21 product of the discussions between the Qikiqtani Inuit
22 Association and Baffinland to develop initial
23 objectives, indicators, thresholds, and responses under
24 commitments related to adaptive management.

25 Qikiqtani Inuit Association provided input on
26 objectives, indicators, thresholds, and responses but

1 only technical western science input. This was to be
2 initial work prior to incorporating Inuit objectives,
3 indicators, thresholds, and responses.

4 We would estimate that the current work is about
5 25 percent complete, but the work to incorporate Inuit
6 objectives, indicators, thresholds, and responses is
7 zero percent complete. It was not the Qikiqtani Inuit
8 Association's intention to have unapproved draft
9 thresholds provided to the Nunavut Impact Review Board
10 record without Inuit input.

11 The Qikiqtani Inuit Association identified a
12 number of concerns, mainly that there was missing
13 information, missing thresholds, and missing predefined
14 responses. The Qikiqtani Inuit Association's position
15 is that these trigger action response plans are
16 incomplete until Inuit of the impacted communities have
17 provided the proper knowledge into the objectives,
18 indicators, thresholds, and responses. Thank you.

19 THE CHAIR: Mittimatalik Hunters and
20 Trappers Organization, Eric Ootoovak.

21 MR. OOTOOVAK: Thank you, Madam Chair. Eric
22 Ootoovak, HTO, Hunters and Trappers Organization.

23 I'm going to ask our technical advisor, Amanda, to
24 respond.

25 THE CHAIR: Amanda Hanson-Main.

26 MS. HANSON-MAIN: Qujannamiik, Iksivauta.

1 Amanda Maine, Mittimatalik Hunters and Trappers
2 Organization.

3 Firstly, as part of the marine environment working
4 group, the Mittimatalik Hunters and Trappers
5 Organization would have expected to have these
6 materials brought forward to the working group. We
7 didn't see this information prior to it being filed in
8 March 22nd. We weren't provided it as part of the
9 working group, as noted, though it was our
10 understanding that indicators, thresholds would be --
11 would be presented to that group for discussion and
12 comment.

13 Like the Qikiqtani Inuit Association has just
14 said, we would also suggest that the work is incomplete
15 from a western science perspective considering the
16 federal parties with legislated responsibilities for
17 species and marine environment have not had an
18 opportunity to review this material.

19 We're in the same position. These materials were
20 filed very late buried in an appendix. We were
21 surprised to see this come in that fashion, especially
22 with a letter to the Nunavut Impact Review Board,
23 especially since we had asked questions specifically
24 about indicators and triggers and thresholds in the
25 January and February hearing.

26 We would just note that this is the kind of

1 transparent -- lack of transparency that the hunters
2 and trappers organization has repeatedly noted as a
3 major concern with respect to indicators, thresholds,
4 and uncertainty around the marine environment.

5 Qujannamiik.

6 THE CHAIR: World Wildlife Fund, Paul
7 Okalik.

8 MR. OKALIK: We're not members of the
9 group. We're observers. We do listen. Sometimes we
10 make comments when we're a part of this group, but we
11 don't have the authority within this group.

12 But they were given to us when we just started
13 this public hearing preparation. So we thought it was
14 a bit late, and we're not sure exactly what the
15 information contained is, and it's sort of rushed, and
16 this needs to be rectified not just for today. This
17 sudden planning or information may give us not a good
18 response, even though we need to have a good look at
19 it.

20 THE CHAIR: There are also other members
21 on the marine environment working group, Environment
22 Canada as well as the Government of Nunavut.

23 Before we go to them, we'll go to Oceans North,
24 Christopher Debicki.

25 MR. DEBICKI: Qujannamiik, Iksivauta.
26 Christopher Debicki, Oceans North.

1 I will ask that my colleague, Amanda Joynt,
2 address this question. Thank you.

3 THE CHAIR: Amanda Joynt.

4 MS. JOYNT: Thank you, Madam Chair.
5 Amanda Joynt, Oceans North.

6 Oceans North has not been able to fully review the
7 proposed marine mammal trigger action response plan or
8 the proposed mitigation tool kit.

9 Our preliminary review of the plan raises serious
10 questions about the function of this plan, specifically
11 whether or not it will be the proponent who ultimately
12 decides what the risk status is for each valued
13 ecosystem component such as narwhals. It is apparently
14 the determination of the level of risk that triggers an
15 action or response that will be predefined. We hope
16 that the ultimate decisions about whether to trigger a
17 predefined response can originate independently or from
18 the marine environmental working group.

19 We will have more to add as we finish our
20 analysis. Thank you.

21 THE CHAIR: Environment and Climate Change
22 Canada, Anna Graham.

23 MS. GRAHAM: Anna Graham, Environment and
24 Climate Change Canada.

25 The expertise of Environment and Climate Change
26 Canada, as it relates to the marine environment, is on

1 marine birds and water quality. So when it comes to
2 addressing the topic at hand, Environment and Climate
3 Change Canada defers to the expertise of Fisheries and
4 Oceans Canada. Thank you.

5 THE CHAIR: Government of Nunavut, Natalie
6 O'Grady.

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

9 So the Government of Nunavut has not yet had an
10 opportunity to review the document as well. I would
11 note, however, that we're not a regulator for marine
12 mammals. That isn't to say we don't share an interest
13 in the protection of -- of marine mammals in Nunavut.

14 The marine environment working group is certainly
15 an appropriate venue for further discussion, and I
16 think this highlights exactly how and why it's
17 important to ensure all relevant parties and
18 stakeholders have input into these matters and is an
19 example of how we can sort of all work together to
20 identify the best path forward. Thank you.

21 THE CHAIR: Namautaq Hunters and Trappers
22 Organization, Steven Aipellee.

23 MR. AIPELLEE: Qujannamiik, Madam Chair.
24 Thank you, marine environmental working group.

25 So I would like to give this to Warren Bernauer,
26 if it's okay, if he could continue with some questions.

1 THE CHAIR: Warren Bernauer.

2 MR. BERNAUER: Thank you, Madam Chair.

3 Warren Bernauer for Clyde River.

4 I have no further questions, but I believe
5 Dr. Glen Hostetler may have a couple of follow-ups.
6 Thank you.

7 THE CHAIR: Glen Hostetler.

8 DR. HOSTETLER: Hello. Thank you, Madam
9 Chair.

10 To follow up on the question from Steven, I would
11 also like to -- to ask a question of members of the
12 marine environment working group. In particular, I
13 would like to ask if they agree with Baffinland's
14 statement made yesterday that working group members
15 have participated fully and had their input fairly
16 considered in developing the working group's new draft
17 terms of reference.

18 And, second, I would like to ask them if they are
19 confident that if Phase 2 is approved, the marine
20 environment working group would be successful in
21 working collaboratively with Baffinland to ensure that
22 a full and robust adaptive management -- adaptive
23 management plan is developed to protect the marine
24 environment before Phase 2 would begin.

25 And in the interest of time here, perhaps I would
26 like to hear specifically from the Mittimatalik Hunters

1 and Trappers Organization, from Fisheries and Oceans
2 Canada, from Parks Canada, the Qikiqtani Inuit
3 Association, Oceans North, and World Wildlife Fund
4 Canada. Thank you.

5 THE CHAIR: Namautaq Hunters and Trappers
6 Association, just so you're aware, it's your
7 nine-minute warning.

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

10 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
11 Gabriel Bernard-Lacaille with Fisheries and Oceans
12 Canada. Thank you for your question.

13 So DFO is engaged in the review -- in the current
14 review of the terms of reference for the marine
15 environmental working group, and with this current
16 review and the recent developments of the Inuit
17 Certainty Agreement, the department acknowledges that
18 the marine environmental working group operation is
19 undergoing a major overhaul.

20 The department is hopeful that the marine
21 environmental working group, which serves a crucial
22 process in project monitoring, will be helpful in
23 fulfilling the objectives of a fully operational and
24 effective adaptive management plan and the protection
25 of the marine environment.

26 Therefore, Fisheries and Oceans Canada still

1 believes that it could be possible for the marine
2 environmental working group to operate efficiently,
3 fulfill its objective, and fulfill its critical role in
4 the protection of the marine environment if parties are
5 able to arrive at a consensus on the new terms of
6 reference prior to the commencement of Phase 2
7 operations if the project is approved to proceed and
8 also if there is further clarity on interactions
9 between the marine environmental working group and
10 mechanisms set up under the Inuit Certainty Agreement.
11 Thank you, Madam Chair.

12 THE CHAIR: Namautaq Hunters and Trappers
13 Organization, your six-minute warning.

14 Parks Canada, Allison Stoddart.

15 MS. STODDART: Thank you, Madam Chair. This
16 is Allison Stoddart with Parks Canada. So we have a
17 very similar response to this -- what DFO just
18 provided. Parks Canada has definitely been engaged in
19 the review of the terms of reference. We outlined in
20 our review some key points such as -- that the working
21 group operate and render recommendations by consensus,
22 the adherence of the proponent to recommendations
23 rendered by the MEWG, as well as other key points.

24 We also -- with the addition of the Inuit
25 Certainty Agreement, we have also identified that we
26 would like clarity on interactions between the MEWG,

1 the marine environment working group, and the
2 mechanisms that are under the Inuit Certainty Agreement
3 to ensure effective operation of the working group.

4 Parks Canada believes that if the marine
5 environment working group was to be -- was to
6 successfully evaluate the marine monitoring programs
7 and results to both science and Inuit Qaujimaqatugangit
8 and provide robust recommendations to decision-makers,
9 it could fulfill an important role in addressing
10 mitigation and monitoring related to the approved and
11 proposed project.

12 In addition, we want to ensure that the context of
13 Tallurutiup Imanga National Marine Conservation Area is
14 considered in the marine environmental working group
15 recommendations. Thank you very much.

16 THE CHAIR: Qikiqtani Inuit Association,
17 Jared Ottenhof.

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

20 Qikiqtani Inuit Association has fully participated
21 in the terms of reference revision process, but our
22 concerns have not been adequately addressed to date.

23 The Qikiqtani Inuit Association is always willing
24 to work with Baffinland to improve the project to a
25 point where it can be accepted by Inuit. However, this
26 project proposal is not there yet, and we are not

1 confident that it will be before the Nunavut Impact
2 Review Board renders its decision.

3 We remain of the position that the project must
4 change to accommodate Inuit values and not the other
5 way around. Thank you.

6 THE CHAIR: Mittimatalik Hunters and
7 Trappers Organization, Eric Ootoovak.

8 MR. OOTOOVAK: Qujannamiik, Iksivauta. Eric
9 Ootoovak, Mittimatalik Hunters and Trappers
10 Organization.

11 I will give the mic to Amanda Hanson-Main, but I
12 do want to stress that Inuit Qaujimagatugangit should
13 be included in -- in the marine environment working
14 group as far more robust than the western science with
15 all the knowledge Inuit has. I'll pass the mic to
16 Amanda Hanson-Main.

17 THE CHAIR: Amanda Hanson-Main.

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

20 We have attempted to participate to the degree
21 possible in the revision process for the terms of
22 reference. We have provided comment previously. We've
23 noted that there are major issues with the funding
24 that's provided to the Mittimatalik Hunters and
25 Trappers Organization. (INTERPRETER BELL).

26 We note that there are -- have been issues with

1 the amount of funding available. Baffinland does cover
2 cost of attendance at meetings, but there is a lack of
3 funding for the Mittimatalik Hunters and Trappers
4 Organization to engage in the review of materials and
5 the significantly technical materials that are
6 provided. So that has been a barrier.

7 I think echoing on what Eric has just said, Inuit
8 Qaujimagatuqangit has a lot more to add to the value of
9 these working groups than sharing on land uses
10 generally as Baffinland indicated during the January
11 and February hearing.

12 We have provided written comment, a question, and
13 we'll follow up as well with further details on those
14 issues, but I think, as Eric has noted -- and we've
15 heard Inuit have a lot more to add to the working group
16 than mere attendance at meetings a few times a year,
17 and we look forward to continuing and deepening that
18 engagement.

19 We are not necessarily confident in the ability of
20 the marine environment working group to ensure that
21 full and robust adaptive management planning is -- is
22 developed as Dr. Hostetler asked. We see there's need
23 for a larger role for the impact review board. We also
24 have issues around consensus decision-making not being
25 implemented appropriately.

26 We've heard from Baffinland, as has been the case

1 through the condition of the NIRB project certificate,
2 that it is an advisory body, and so direction or
3 requests for changes and implementation have been taken
4 as only advice and not something that the proponent
5 feels necessary to implement.

6 We also note that from Condition 183, it permits
7 the Department of Fisheries and Oceans to give
8 direction to Baffinland for protection of marine
9 mammals and environment. No direction has yet been
10 given to the department, and requirements of that
11 direction have not been met by Baffinland. We're
12 concerned with the -- the lack of follow-up and
13 application of that condition.

14 We also feel that it's very necessary that the
15 impact review board develop a monitoring framework to
16 help provide the direction to Baffinland, and for the
17 benefit of the marine environment working group, to
18 have that framework in place that will provide
19 structure and -- and a framework. Qujannamiik.

20 THE CHAIR: Oceans North, Christopher
21 Debicki.

22 MR. DEBICKI: Qujannamiik, Iksivauta. I
23 will -- Christopher Debicki, Oceans North.

24 And I will, again, turn to my colleague, Amanda
25 Joynt, for a response. Thank you.

26 THE CHAIR: And just so the Namautaq

1 Hunters and Trappers Association is aware, we have gone
2 over your time period. So after the responses, we'll
3 move on to the next registered intervenor.

4 Amanda Joynt.

5 MS. JOYNT: Thank you, Madam Chair. Oh,
6 sorry. Thank you, Madam Chair. Amanda Joynt, Oceans
7 North.

8 Oceans North has provided comments previously to
9 the review of the terms of reference. We have not had
10 a chance to fully review the latest terms of reference
11 provided on March 22nd. But upon first review, this is
12 a very similar version to the one that the marine
13 environmental working group reviewed in the fall of
14 2020.

15 And I'm not sure if this is the same one, but it
16 does not reflect the comments of the majority of
17 working group members, namely, concerns about
18 membership, decision-making, the acceptance of outside
19 science, and the need for a third-party facilitator,
20 especially that Baffinland is no longer -- no longer
21 seems to include themselves as a member.

22 I also noticed that the introduction to the terms
23 of reference on March 22nd states that the comments
24 provided from members is included in an attachment to,
25 but there is no attachment. So we can't actually
26 compare what the members said to what the terms of

1 reference looks like now.

2 So, clearly, there is still some work to do on the
3 terms of reference, and we look forward to doing that.
4 Our confidence in the future processes would improve if
5 the issues I have previously stated were dealt with and
6 especially if there would be a third-party facilitator
7 to ensure processes were fair and efficient. Thank
8 you.

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

11 MR. OKALIK: Thank you, Madam Chairperson.

12 We're not particularly a member, but we're here
13 listening, but we said in the past meeting, we
14 disorganized it and it has organized properly in their
15 ways and work as to how they are going to have
16 procedures. They have to improve it quickly, and
17 sometimes we're asked not to ask questions, and there's
18 been problems with that.

19 And when they have no bylaws or criterias, it's a
20 problem, and NIRB is not usually involved. We would
21 like you to be involved with them so you know whether
22 they're doing their job or not on the other side, and
23 this has to be improved in the future for the
24 committees.

25 So, therefore, I'd like -- we'd like to see
26 something in good condition, in good -- formed

1 properly. Please, in the future this needs to be
2 rectified properly and improved. Thank you, Madam
3 Chairperson.

4 THE CHAIR: Now we're going to the next
5 item on the agenda, the next registered intervenor to
6 have their 30 minutes of questioning.

7 The Amaruq Hunters and Trappers Organization,
8 Jeetaloo Kakee.

9 Amaruq Hunters and Trappers Organization Questions
10 Nunavut Tunngavik Incorporated, Qikiqtani Inuit
11 Association, Government of Nunavut, Crown-Indigenous
12 Relations and Northern Affairs Canada, Fisheries and
13 Oceans Canada, Environment and Climate Change Canada

14 MR. KAKEE: Jeetaloo Kakee from Iqaluit --
15 from Amaruq as an Elder.

16 There's three items that I want to bring up as an
17 Elder and board member. We just don't want to show up,
18 but -- and I'm not sure where I'm going to start, and I
19 will give it to Meeka right away for her to speak.

20 We have reasons to be here. Like, there's three
21 things we want to bring up. The third is the hunters'
22 committee -- hunters' association is being not
23 recognized too much by other organizations. We have
24 strengths and ability to do things good. And so for
25 that reason, as Inuit, we have to be considered as
26 important, and -- and our fellow community members in

1 the (INDISCERNIBLE), they need to have a leeway to
2 bring things up, and we are important like everybody
3 else to be visible and also our strengths to work as an
4 organization.

5 So Pond Inlet, if I visited, if I ask around and
6 look around the Milne Inlet, where is the lake? Is
7 there a lot of seals and narwhals and fish? If I --
8 they say, No, there's none left, did you take them all?
9 They probably would say, No, we didn't do it. This is
10 just an example I'm showing.

11 My helper -- advisor, Meeka, I will give her an
12 opportunity to speak. We are Inuit on -- in the
13 IIBA 135. We have three items that we've heard about
14 being discussed particularly here, and the white
15 people, and they are here, and we have an opportunity
16 to -- to bring these serious matters up as the First
17 People, and we have leftovers given to us time and time
18 again.

19 So we have other people here, people that cannot
20 go back to their own country. Iqaluit is a good place
21 to come, and it's -- quite a few of us, we don't
22 despise other people coming to live here, and we have
23 our land claims here.

24 And I will give it to Meeka for now, and for
25 sometimes when you do a pattern, we are just given a
26 little piece, and I will bring this mic to Meeka Mike.

1 Thank you.

2 THE CHAIR: Meeka Mike.

3 MS. MEEKA: Thank you, Madam Chair. Meeka
4 Mike from Amaruq HTO, advisor.

5 I want to be clear for the listeners concerning
6 the agreement, if it was brought here. To begin, Caleb
7 said earlier when he spoke, I -- some of the -- the
8 stuff that he was talking about, the wind and also the
9 fish concerns, and some of the things I forgot. He
10 reminded me about the fish in this area, and they
11 are -- and the fish are fattening, and they don't go
12 anywhere else.

13 And so they're -- when they start to move away
14 quickly, they will be ready, and they're following what
15 they eat as well, how they get their strength and
16 changes.

17 And so, secondly, the -- the worm that was talked
18 about before and species, and this is for precaution.
19 We have to look after our environment. We have to care
20 for it.

21 THE INTERPRETER: That's a song. I don't
22 understand her. I don't understand her.

23 MS. MEEKA: I will speak in English. I
24 won't sing it in English.

25 Our Inuit knowledge, not only is it diverse, it's
26 very -- us kids, when we're taught the first step of

1 being stewards or the owner of this land, for me, I
2 know my grandfather told me we're owner of all this
3 land in the Arctic. We are responsible.

4 So the song I just sang, it's a first step so we
5 don't disturb even the tiniest little creature in the
6 pond that will be food to the -- all the offspring of
7 all the migratory birds or birds up here. That little
8 creature, it dwells under the soot in the bottom of the
9 pond or the lake, the small pond where children -- we
10 will -- we don't worry where children will fall into
11 the water. Those are -- when we sing, they come up,
12 and if they know you're good and you'll be good to
13 their land, they'll come up. That's the first
14 teaching. One of the first teaching. There's many.

15 And when the fish -- in the time they need to
16 fatten up before going upriver, there's two times that
17 they have pattern. One in July, one in August. And I
18 was happy Caleb Sangoya said that -- not the worm but
19 the little creature that everybody's talking about, the
20 scientists, biologists. He said that's indicator up
21 north for wind to come. My father told us when the
22 fish start moving aimlessly but they kind of always
23 stick together along the shore, the wind is coming.
24 That's our indicator down here, South Baffin.

25 And these -- our Chairperson, and these are
26 community member will be speaking some of the questions

1 that we raise and to begin in November -- in November
2 to the -- were questions, and I wrote them down, myself
3 and Jeetaloo.

4 Here. The governance statements concerning
5 Baffinland and caribou and Inuit, and it's concerning
6 the caribou, and it's in the constitution, and Canada
7 was 1,000, but following our governance, Inuit
8 governance, are from that.

9 Are Inuit living sustainably? I'll be talking
10 about it, what we wrote down. Is the wildlife natural
11 path to progression stable in terms of the development?
12 Ripple vibration, (INDISCERNIBLE) oscillation, my
13 father knew that, and my -- our Elders -- some of the
14 things in the sea melt faster.

15 When there's movement from the motors and my
16 granddaughter was on -- grandson, we brought with them
17 when we were out. Some of the things are melting much
18 faster than before.

19 Marine wildlife, crustaceans, rare Arctic
20 planktons, (INUKTITUT SPOKEN), ringed seal, beluga,
21 walrus, bearded seal, harbor and hooded seal, and these
22 are our indicators, and we teach our children how they
23 change when they're in that stage with the marine
24 mammals. These are long, but I made it short.

25 Us women, we tested the skin and the fur of the
26 animals, and it's -- our indicator has changed as well.

1 With the marine mammals, I'm happy. (INUKTITUT
2 SPOKEN). As hamlets and Inuit, we always communicate
3 to see what's going on in our environment. Even though
4 I'm not up north, but I'm always talking about it.
5 Iqaluit Lake, and they leave garbage at Iqaluit Lake,
6 and that's not our custom. We don't leave garbage
7 behind.

8 Iqaluit Lake is a place for nursery for fish, and
9 they don't know -- the scientists don't know yet
10 whether if it's Cumberland Sound fish or not, and
11 according to my grandfather, the fish start travelling
12 up, and they go to Greenland to fatten up before they
13 come back here to go upriver, and I don't know how they
14 knew that.

15 Seasonal catching royalty, these are the same
16 terminology that we use throughout Eastern Arctic,
17 especially when we're fermenting food. All different
18 kinds of animals we ferment, and we don't practice that
19 anymore. And I'll leave that for now, but the --
20 the -- there's a written document about royalties, and
21 it seems as though Uqumiut mentioned about different
22 kind of sea animals.

23 It feels like we're rushing -- we're having to
24 rush trying to explain something, but we have time
25 limited.

26 IIBA. Can Iqaluit Amaruq HTO be part of the IIBA?

1 And I know that we have our own environment, but when
2 you're a hunter, equipment are very expensive, like
3 Ski-Doos, and our young people who are in the classroom
4 all day, they're supposed to be learning from us about
5 how to survive in the environment, and also as females,
6 we should be teaching our grandchildren the traditional
7 knowledge.

8 Can we introduce Inuit Impact Benefit Agreement
9 in -- through Amaruq HTO so we may benefit from losing
10 these types of customs? And one of the things that we
11 need to question -- Simonee Aranga [phonetic], ever
12 since when we started going to school, residential
13 school, Simonee Aranga mentioned one time that she left
14 a barrel in one of the estuaries by the river, and that
15 barrel had tripped over and spilled in 1972.

16 To this date, that little pond has never produced
17 any more fish. That's how long it takes for fish to
18 come back and right up until 1984. That polymer that
19 is made from oil, it's what contaminates the
20 environment. It comes from gas, from oil, and the
21 polymer can contaminate for years. Who is -- who is
22 studying those?

23 How many more minutes, Madam Chair?

24 THE CHAIR: 13 minutes.

25 MS. MEEKA: 13 minutes.

26 And when there was war -- at war, there used to be

1 lots and lots of warships, and they would dump all
2 kinds of garbage like oil for their engines and
3 machines, and in Canada, they introduced not to dump in
4 waters because the oil they used for their propellers
5 and engines would be dumped in the ocean.

6 And one of our Elders have mentioned that it has
7 become tar on the sea bed, and you can see the harbor
8 seal and seals losing their fur, and I moved here in
9 1989, and ever since then and since 1940s, we finally
10 got these seaweeds that are growing again in our
11 environment because they were gone for years because of
12 that type of contamination.

13 And I don't know what's happened to all the
14 regulatory processes that they're supposed to follow.
15 Weren't followed. And icebreakers, not all the ships
16 have icebreakers because some Inuit became captain
17 through Baffin Fisheries at one point, and Inuit
18 through their traditional knowledge introduced Baffin
19 Fisheries Coalition, so they were able to become
20 captains. That was some time ago now, but I don't know
21 what happened to that. And these ships have their own
22 regulatory processes, and they have slightly different
23 regulations and laws that they have to abide by in
24 Arctic oceans, and that's all I have for now.

25 But our questions from Amaruq Hunters and Trappers
26 Organization haven't been answered yet, and here they

1 are. Madam Chair, we address it to Nunavut Impact
2 Review Board. We didn't know who to address it to,
3 March 1 written question.

4 We addressed it to Nunavut Impact Review Board.
5 Although we didn't expect you to answer, but we asked a
6 question. Who is responsible for mining regulations?
7 Who's -- who's responsible for mining monitoring? When
8 I go to the government offices and I look at the latest
9 regulations, they can't even give me any copies of
10 regulations because they keep saying that the printer
11 is not working. I can't even get the latest regulation
12 acts.

13 So I had to call Ottawa, federal government. So I
14 said, do I have only old copies of mining regulations?
15 So if we don't understand the regulatory process for
16 mines and acts, how do we know how to monitor and
17 regulate mining companies?

18 And we'd like to be able to get answers to one,
19 two, three, four questions from Amaruq Hunters and
20 Trappers Organization and Mittimatalik Hunters and
21 Trappers Organization, and those one or two questions
22 that we had is according to the Nunavut Agreement. And
23 Jimmy wanted to ask that question as well, Madam Chair.
24 I'm going to ask Jimmy to come up now.

25 THE CHAIR: Jimmy Akavak.

26 MR. AKAVAK: Thank you, Jeetaloo. Thank

1 you, Meeka, for -- even though we're rushing. Don't
2 have much time to speak.

3 One of the questions as the HTO board, who -- who
4 is responsible for regulations or acts or international
5 acts in terms of mining? Is there -- who do we go to
6 say something about how our environment is being
7 affected, wildlife being affected, marine mammals being
8 affected from the mining ore dust pollution and whales,
9 caribou that are going affected?

10 Who do we go to to complain? Who do we express
11 our concerns to? I know we've been trying to express
12 these to Baffinland, but who else can we address our
13 concerns to? Where can we express ourselves
14 confidentially?

15 If I don't want my name mentioned or noticed
16 because of the possibility of retaliation, so I'm
17 wondering who we can address these to. Who can hear us
18 so that we -- our questions and concerns are not just
19 said and forgotten?

20 Do we need a Canadian impact council or board is
21 one of the questions? They should be given powers and
22 regulatory decision-making processes so at at least the
23 Board can address the concerns we have been trying to
24 express. That's all I have for now. And welcome to
25 Iqaluit very much. All of you.

26 THE CHAIR: You have five more minutes,

1 Amaruq Hunters and Trappers Organization. Would you
2 like responses?

3 MS. MIKE: Thank you, Madam Chair. I'm
4 just going to -- I wanted to mention a few of items I
5 had. According to the Nunavut Land Claim Agreement --
6 Nunavut Agreement, Article 26 -- I'm just going to
7 point out the articles. Articles 26.10.1, five ten,
8 the renegotiation process. We still have permissions
9 in negotiation process.

10 Land-use plan, can we use -- if you're going to
11 make the railroad track, can we use that Nunavut
12 article item in Nunavut Agreement, Nunavut 11.2, 11.3,
13 and Article 12, 12.1.1, 12.12.2, Part 7, and
14 monitoring.

15 It says (NO ENGLISH FEED) and ecosystemic and
16 socio-economic impacts of project proposals. Also that
17 can be an avenue of dealing with monitoring, and the
18 minister cannot touch the land claim agreement in that
19 area or that part of the article.

20 And also Section 11, 11.2, 11.1, 12.4.7, and
21 Part 12, development acts; 12.7, Canadian Assessment
22 Act; 12.8, I'd really like to know if we can use these
23 articles to address what we're trying to say for all
24 communities.

25 Articles and wildlife management, 13.4.1, 13.4.2,
26 that's where I stopped looking into the agreement to

1 try and understand how we can protect our environment
2 and our wildlife and our Inuit socio-economic. Can the
3 minister touch those according to the land claim
4 agreement? Thank you.

5 THE CHAIR: There's a lot of questions to
6 answer. NTI.

7 UNIDENTIFIED SPEAKER: I will be referring the
8 question today with Kunuk.

9 THE CHAIR: David Kunuk.

10 MR. KUNUK: Thank you, Chairperson. David
11 Kunuk from Nunavut Tunngavik Incorporated.

12 There are some questions on this. Some of these
13 responsibilities are given to the minister, but for the
14 Nunavut Impact Review Board provides recommendations,
15 and this is what the reason is for the minister, that
16 there's a different minister for Fisheries and Oceans,
17 and all of us are members of that agreement.

18 For example, these responsibilities are given to
19 the Nunavut Impact Review Board. So the first
20 recommendation would be coming from us as well. I'm
21 just trying to shorten the answer, but I can provide an
22 answer if -- if I would get a written question on those
23 things mentioned because the questions were long.
24 Thank you.

25 THE CHAIR: Qikiqtani Inuit Association,
26 Jared Ottenhof.

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

3 I'll address the question about the Inuit Impact
4 Benefit Agreement. The current Inuit Impact Benefit
5 Agreement is for the communities identified as impacted
6 communities. However, since Qikiqtani Inuit
7 Association is a regional organization, there are
8 programs funded partially by the Inuit Impact Benefit
9 Agreement that can be accessed by nonimpacted
10 communities, and I would encourage you to contact
11 Qikiqtani Inuit Association's department of social
12 policy to access those programs.

13 With respect to who can -- who can you approach to
14 bring your problems forward, outside of the Nunavut
15 Impact Review Board process, the Qikiqtani Inuit
16 Association is very approachable when it comes to
17 addressing concerns, and I would encourage you to
18 contact our department of lands and resource management
19 for further inquiries or problems you may have.

20 For any other questions you may have missed, I
21 would ask that you please provide them in writing so we
22 can provide a fulsome response to you as well. Thank
23 you.

24 THE CHAIR: Government of Nunavut, Natalie
25 O'Grady.

26 MS. O'GRADY: Thank you, Madam Chair.

1 Natalie O'Grady, Government of Nunavut.

2 Thank you, Meeka, for sharing that with us.

3 Really the question I heard in there with respect to
4 caribou could probably be summed up in whether or not
5 the project will impede the recovery of the Baffin
6 Island herd at a population and/or regional level. The
7 government's contributed a pretty substantial analysis
8 on that, and we've heard Mr. Atkinson speak before that
9 we don't agree with the proponent's conclusions around
10 some of those significance determinations.

11 However, if you would like for us to maybe address
12 your questions in greater detail, we certainly
13 welcome -- either we can connect offline so we can
14 provide you with where that information is found in our
15 submissions on the -- currently on the public record
16 for -- for the Phase 2 proposal, and I would also like
17 to offer as well -- if you would want us to explain in
18 better detail or more specific, we can certainly
19 provide that to you in -- in an updated final written
20 submission so that all parties involved in the process
21 can -- can read that as well. Thank you.

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

24 MR. DEWAR: Qujannamiik, Madam Chair.

25 Thank you, Madam Chair. Spencer Dewar,

26 Crown-Indigenous Relations and Northern Affairs Canada.

1 Thank you, Jimmy, and thank you, Meeka, for the
2 question. Crown-Indigenous Relations and Northern
3 Affairs Canada is open. We'd love -- we'd love to have
4 people stop by to ask questions, so there's an open
5 invitation to come by and have tea, or we'll go to you
6 at the Amaruq Hunters and Trappers Organization.

7 And I'd even like to extend this out to other
8 communities and other HTOs. Feel free to approach us,
9 and we'll explain what we're doing and what our role is
10 and what our mandate is. So I'd just like to speak
11 briefly to sort of the process. The Government of
12 Canada follows the Nunavut Agreement, and the Nunavut
13 Agreement through Article 12 -- or Article 10 sort of
14 sets out the comanagement regime for resource
15 development in Nunavut. It's based on five
16 institutions of public government -- governance.

17 First is the Nunavut Planning Commission, then the
18 Nunavut Impact Review Board, the Nunavut Water Board,
19 and the Nunavut Wildlife Management Board, and,
20 finally, the Nunavut Surface Rights Tribunal.

21 Four of those are captured in federal legislation,
22 the Nunavut Planning and Project Assessment Act, which
23 details the NIRB process which we're part of right now;
24 the Nunavut Waters and Surface Rights Tribunal Act,
25 which deals with the Nunavut water licencing process
26 and surface rights disputes; and then there's also a

1 Territorial Lands Act, which Crown land issues
2 authorizations in relation to projects on Crown land
3 where regional Inuit associations are responsible for
4 Inuit-owned land.

5 And as these authorizations are issued in
6 accordance with the regulations, Crown-Indigenous
7 Relations and Northern Affairs Canada is responsible
8 for the inspection and enforcement and compliance of
9 these authorizations. So if you have concerns that
10 you'd like to raise, I would encourage you to bring
11 them up with our field operations unit, and those can
12 be dealt with discreetly.

13 And in closing, you know, if there is further
14 questions, let us know, stop by, send us an email, call
15 us on our landlines, but we'd be more than happy to
16 talk to you. Qujannamiik.

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 to Amaruq HTA for their -- sharing
22 their knowledge and for their questions.

23 So Fisheries and Oceans Canada and the Government
24 of Canada relies on the Fisheries Act to protect
25 freshwater and marine environments as well as fish and
26 fish habitat, including marine mammals, and this

1 applies to all of Canada's territory and not just to
2 the mine site.

3 However, if impacts to fish, marine mammals, or
4 their habitats are observed incidentally or through
5 monitoring of project impacts, Baffinland would have a
6 duty to notify and inform Fisheries and Oceans Canada
7 of that -- of that impact. Furthermore, community
8 representatives and organizations or, really, anyone
9 can also notify DFO of any impacts to fish, marine
10 mammals, or their habitats.

11 In a written response to the Amaruq HTA, we
12 provided a telephone number where you can notify us as
13 well as an email that can be used to notify Fisheries
14 and Oceans, and we welcome any comments or observations
15 that you may have.

16 Secondly, I think, Meeka, you made a comment about
17 the worms that Fisheries and Oceans Canada raised in
18 our questions to Baffinland yesterday. So, again, just
19 for clarity, we want to make sure that the worms that
20 Fisheries and Oceans Canada is referring to are small
21 worms that live in the sediments in the bottom of the
22 marine environment and that what we're looking for is
23 to ensure that worms that are eventually invasive,
24 which means that their home is not in the Arctic, are
25 currently identified in the monitoring that Baffinland
26 is making, and that's the reason we provided our

1 comments.

2 So I hope this helps clarify what type of worm we
3 were talking about. This is, again, a small worm that
4 lives in the mud in the bottom of the ocean. Thank
5 you, Madam Chair.

6 THE CHAIR: Environment and Climate Change
7 Canada, Anna Graham.

8 MS. GRAHAM: Anna Graham, Environment and
9 Climate Change Canada.

10 Thank you for those questions and for the
11 knowledge that has been shared here. I would also like
12 to thank Fisheries and Oceans and Crown-Indigenous
13 Relations and Northern Affairs Canada for their
14 responses as well. Environment Canada agrees with much
15 of what has been expressed here.

16 And we would like to add that if individuals make
17 observations of non-compliance incidents or suspect
18 incidents that fall within Environment and Climate
19 Change Canada's mandate or jurisdiction, those
20 incidents can be reported to us, and we have provided a
21 phone number and an email address that concerns can be
22 sent to, and if they fall within our mandate, we can
23 investigate those incidents, and we encourage
24 individuals to -- to submit these reports as they -- as
25 they make these observations. Thank you.

26 THE CHAIR: That concludes the round of

1 questioning from the Amaruq Hunters and Trappers
2 Organization.

3 Before we go to break, we're going to start with
4 the next registered intervenor, Oceans North,
5 Christopher Debicki.

6 Oceans North Canada Questions Fisheries and Oceans
7 Canada and Crown-Indigenous Relations and Northern
8 Affairs Canada

9 MR. DEBICKI: Qujannamiik, Iksivauta.
10 Christopher Debicki, Oceans North.

11 Madam Chair, I will first turn to my colleague,
12 Amanda Joynt. Thank you.

13 THE CHAIR: Amanda Joynt.

14 MS. JOYNT: Thank you, Madam Chair.
15 Amanda Joynt, Oceans North.

16 Our first questions today are for the Department
17 of Fisheries and Oceans Canada. Fisheries and Oceans
18 Canada has asked for the integration of monitoring
19 programs, the monitoring of cumulative effects, and the
20 creation of an adaptive management plan.

21 Considering the number of Phase 1 commitments that
22 are still in the process of being met or have yet to
23 begin, how does the Department of Fisheries and Oceans
24 reconcile the uncertainties created by accepting more
25 promises for Phase 2 commitments? I am specifically
26 looking for how that uncertainty was assessed and then

1 how it was reconciled. Thank you.

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

4 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
5 Gabriel Bernard-Lacaille with Fisheries and Oceans
6 Canada. Thank you, Amanda, for the question.

7 Fisheries and Oceans Canada acknowledges that a
8 number of commitments have been developed with
9 Baffinland to resolve outstanding technical concerns.
10 Fisheries and Oceans Canada would like to clarify that
11 these commitments are intended for the department and
12 intervenors to provide the department and intervenors
13 with the minimum level of certainty that in the event
14 that the Phase 2 proposal is approved, there will be
15 improved and additional mitigations and monitoring to
16 reduce potential project impacts and reduce remaining
17 uncertainties.

18 Fisheries and Oceans Canada has noted previously
19 that more work needs to be completed in order to
20 address remaining uncertainties in Baffinland's
21 assessment (INTERPRETER BELL) and potential impacts.

22 THE CHAIR: Please slow down and pause
23 between sentences.

24 MR. BERNARD-LACAILLE: Yes. My -- my apologies to
25 the translators-interpreters.

26 Which includes the establishment of clear and

1 operational and effective adaptive management plans.

2 Throughout the review process, Fisheries and
3 Oceans Canada has worked closely with our science
4 experts in the development of these commitments. The
5 department has also further recommended that many of
6 these commitments be establish as terms and conditions
7 in the revised project certificate. This is a way to
8 ensure that these commitments are enforced and achieve
9 their intended purpose, which is to provide
10 more certainty for the protection of the marine
11 environment. Thank you, Madam Chair.

12 THE CHAIR: Oceans North, Amanda Joynt.

13 MS. JOYNT: Thank you, Madam Chair.

14 Amanda Joynt, Oceans North.

15 So Fisheries and Oceans Canada has stated that:

16 (as read)

17 Additional monitoring and the integration of
18 results from each of the monitoring programs
19 is required in order to determine if the
20 project is having long-term impacts on
21 narwhal populations, which includes
22 behavioural and cumulative impacts, and that
23 resolving that uncertainty relies upon
24 gathering more information than is currently
25 available.

26 That's the end of the quote. The department also

1 stated that the adaptive management plan would need to
2 be fully operational prior to the start of Phase 2. So
3 could Fisheries and Oceans Canada list exactly what
4 they would need to see, not just completed but
5 implemented, before Phase 2 activities could start?
6 Thank you.

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 Canada. Thank you, Amanda, for your questions.

12 And, again, I think I'll reiterate Fisheries and
13 Oceans Canada's position regarding what we believe is
14 of the utmost importance prior to the start of Phase 2
15 operations if the project is approved to move forward.

16 So, as we said before, there are substantial
17 remaining uncertainties with respect to predicted
18 impacts, and resolving this uncertainty relies upon
19 gathering more information than is currently available.

20 The department provided recommendations and
21 requests of Baffinland in order to implement additional
22 monitoring which would help collect this information
23 and inform an effective and operational adaptive
24 management plan.

25 The key component that needs to be implemented and
26 operational would be the adaptive management plan which

1 Baffinland has provided the first draft with their
2 written responses to the NIRB, which includes
3 objectives, thresholds, indicators, and responses.

4 This should be developed in collaboration with new
5 members as well as Inuit as stated earlier by the
6 Qikiqtani Inuit Association. Furthermore, early
7 warning indicators should be a key component of this
8 adaptive management plan. Thank you, Madam Chair.

9 THE CHAIR: It's just about -- well, it's
10 3:10 now. We're going to take a break until 3:30 and
11 continue with questions from Oceans North.

12 (ADJOURNMENT)

13 THE CHAIR: Welcome back, everyone.
14 Continuing with questions from Oceans North.
15 Amanda Joynt.

16 MS. JOYNT: Thank you, Madam Chair.
17 Amanda Joynt, Oceans North.

18 Fisheries and Oceans Canada has stated that it is
19 Baffinland's responsibility to develop and conduct
20 monitoring in order to verify their impact predictions,
21 including cumulative effects. Does DFO agree with
22 Baffinland's statement that long-term cumulative
23 effects monitoring is the responsibility of both
24 Baffinland and government agencies, and who should lead
25 the initiative to verify the proponent's predictions of
26 cumulative effects? Thank you.

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. Thank you, Amanda, for the question.

6 So, in short, DFO, or Fisheries and Oceans Canada,
7 reiterates that we do believe it's the proponent's
8 responsibility to develop and conduct monitoring in
9 order to verify their impact predictions related to the
10 Phase 2 project.

11 That being said, the Department of Fisheries and
12 Oceans Canada will continue, as part of normal
13 operations, to conduct research in the Canadian Arctic,
14 and if this research can be integrated by Baffinland or
15 other parties to verify cumulative effect predictions,
16 we are open to collaboration on that matter.

17 Thank you, Madam Chair.

18 THE CHAIR: Oceans North, Amanda Joynt.

19 MS. JOYNT: Thank you, Madam Chair.
20 Amanda Joynt, Oceans North.

21 When approval was granted in 2019 for a two-year
22 interim increase to 6 million tonnes per year,
23 direction was given by the federal government to use
24 the time to gather data and to integrate knowledge from
25 these two years into the review process for Phase 2.

26 In the department's written response to the

1 Mittimatalik Hunters and Trappers Organization, it
2 stated that: (as read)

3 DFO cannot agree or disagree that the impacts
4 of the production increase activities have
5 been broadly examined, as DFO's review and
6 interventions currently before the NIRB has
7 been limited to those proposed activities for
8 Phase 2 and their potential impacts.

9 Did the department not consider the cumulative impacts
10 of the production increase over the past number of
11 years? And is Fisheries and Oceans suggesting that the
12 minister's direction within the approval of the
13 production increase has not been met? Thank you.

14 THE CHAIR: Fisheries and Oceans Canada,
15 Gabriel Bernard-Lacaille.

16 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
17 Gabriel Bernard-Lacaille with Fisheries and Oceans
18 Canada.

19 May I ask Amanda to provide context and a bit of
20 clarification for the second part of your question.
21 We're not sure we fully understood.

22 Thank you, Madam Chair.

23 THE CHAIR: Oceans North, Amanda Joynt.

24 MS. JOYNT: Amanda Joynt, Oceans North.

25 Thank you, Madam Chair.

26 So we'll start with the first question is: Did

1 the department consider the cumulative impacts of the
2 production increase over the past number of years?

3 Thank you.

4 THE CHAIR: Fisheries and Oceans Canada,
5 Gabriel Bernard-Lacaille.

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

7 Gabriel Bernard-Lacaille with Fisheries and Oceans
8 Canada. Thank you, Amanda, for clarifying and
9 restating your first question. That helps.

10 So Fisheries and Oceans Canada has been involved
11 with the Mary River Project as intervenors and
12 providers of science-based advice since the first
13 environmental review that started in 2012, and since
14 then we've also been a participant in the marine
15 environmental working group, and we've also reviewed
16 all the monitoring reports provided by Baffinland as
17 part of the marine environmental working group.

18 Therefore, all of our recommendations that we made
19 for the Nunavut Impact Review Board's consideration for
20 the Phase 2 project, we have considered the experience,
21 knowledge that we've accumulated by participating in
22 all phases of the Mary River Project and all monitoring
23 reports that we've reviewed to date. So all that
24 information and knowledge that we accumulated was
25 considered when we provided recommendations.

26 Thank you, Madam Chair.

1 THE CHAIR: Oceans North, Amanda Joynt.

2 MS. JOYNT: Thank you, Madam Chair.

3 Amanda Joynt, Oceans North.

4 I will clarify the second question. So did -- did
5 Fisheries and Oceans Canada have the opportunity to
6 assess a cumulative impact assessment for Phase 2 that
7 included Phase 1 as well as the two seasons with a
8 production increase, as per the minister's
9 recommendation, and why or why not?

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 Canada. Thank you, Amanda, for the clarification.

15 So in regards to a cumulative effects assessment
16 that were -- may or may not have been provided during
17 the additional two years granted for the production
18 increase proposal extension, we are not aware and have
19 not directly considered that in the recommendations
20 that we've made as part of the Phase 2 review process.
21 However, in our submissions we did provide Fisheries
22 and Oceans Canada science-based advice and
23 recommendations about the proponent's combined effects
24 assessment. So those concerns that the department has
25 are in front of the Board.

26 But what I can say is that the production increase

1 proposal has allowed Baffinland to collect two more
2 years of data and information. These two additional
3 years are helpful in considering potential impacts of
4 Phase 2 and were considered by Fisheries and Oceans
5 Canada when developing our recommendations to the
6 Board.

7 Thank you, Madam Chair.

8 THE CHAIR: Oceans North, Amanda Joynt.

9 MS. JOYNT: Thank you, Madam Chair.
10 Amanda Joynt, Oceans North.

11 I will note that the Qikiqtani Inuit Association
12 has stated that a Phase 2 cumulative impact assessment
13 did not include Phase 1. It did not consider project
14 shipping that was approved in Phase 1 or activity
15 outside of the regional study area. With that, thank
16 you very much for answering the questions. I will hand
17 it back to Christopher Debicki. Thank you.

18 THE CHAIR: Christopher Debicki.

19 MR. DEBICKI: Qujannamiik, Iksivauta.
20 Christopher Debicki, Oceans North.

21 I question -- several questions are for the
22 Government of Canada, and my first question is in the
23 context of Article 21.7 and following from the Nunavut
24 Agreement. Does -- and there are a bunch of related
25 questions, so I'll put them all together.

26 So the first aspect of the question: Does the

1 Government of Canada agree that it has a fiduciary duty
2 regarding the subsurface rights and royalty interests
3 in Deposit 1?

4 The next aspect of that question: What steps has
5 the Government of Canada taken to ensure that these
6 subsurface rights are protected, and how is the
7 government keeping track of capital expenditures spent
8 against future royalties that you are managing?

9 And the third aspect of this question, we've heard
10 of the Government of Canada's many mandates regarding
11 regulatory oversight of this project, and so my
12 question: What have you observed regarding
13 construction -- physical construction of Phase 2?

14 And the last aspect of this question: Does the
15 proponent provide the Government of Canada with an
16 updated estimate of capital expenditures on Phase 2?
17 Thank you.

18 THE CHAIR: Oceans North, this is also
19 your eight-minute warning.

20 Crown-Indigenous Relations and Northern Affairs
21 Canada, Spencer Dewar.

22 MR. DEWAR: Qujannamiik, Madam Chair.
23 Spencer Dewar, Crown-Indigenous Relations and Northern
24 Affairs Canada.

25 I heard four questions there. The first question
26 I'm going to defer to the Department of Justice, and

1 the following three, I'm going to ask for a deferment
2 and report back later. Qujannamiik.

3 THE CHAIR: Department of Justice for
4 Government of Canada, Simon Gruda-Dolbec.

5 MR. GRUDA-DOLBEC: Qujannamiik, Iksivauta. I'm
6 Simon Gruda-Dolbec, legal counsel with the Department
7 of Justice Canada.

8 I would simply point out with respect to the first
9 component of the question, that, in my view, it really
10 is a legal question, so I don't think it's really
11 appropriate to respond to this here, especially not for
12 Mr. Dewar. If the Board would like the Government of
13 Canada to elaborate on the question of fiduciary duty
14 here, I would suggest that this be done in writing, and
15 I'm also lacking some of the context surrounding this
16 question, so -- thank you.

17 THE CHAIR: Oceans North, this is also
18 your six-minute warning. Christopher Debicki.

19 MR. DEBICKI: Qujannamiik, Iksivauta.

20 I wasn't under the impression that we're not
21 allowed to ask questions that have legal components.
22 Perhaps I'll provide the Department of Justice with
23 some context.

24 As I understand it -- and I'm not a historian and
25 I wasn't there or involved in negotiations regarding
26 the Nunavut Agreement, but, as I understand it, when

1 the negotiations were occurring, there was some
2 resistance when Inuit negotiators were selecting
3 subsurface rights for Inuit-owned land that had
4 preexisting mineral claims attached to them, so
5 third-party rights, and, as I understand it, the
6 Government of Canada insisted -- well, there was first
7 resistance to letting Inuit have any rights to
8 subsurface areas for which there were mineral claims,
9 and the compromise was Article 21.7. And I think this
10 is squarely a matter that is appropriate before the
11 Board and is a legitimate line of questioning both for
12 the Board and for the general public.

13 Article 21.7, as I understand it, means that the
14 Government of Canada is managing the subsurface right
15 and, therefore, the subsurface royalties of Deposit 1
16 at Mary River. So that's the context, and I would ask
17 the Department of Justice to answer that question --
18 it's not terribly complicated -- and the question is:
19 Does the government agree that it has a fiduciary duty
20 regarding the subsurface rights and royalty interests
21 in Deposit 1?

22 Thank you, Madam Chair.

23 THE CHAIR: Department of Justice, Simon
24 Gruda-Dolbec.

25 Mr. GRUDA-DOLBEC: Qujannamiik. Simon
26 Gruda-Dolbec, legal counsel with the Department of

1 Justice Canada.

2 I'm still not sure I'm really seeing the relevance
3 to this assessment. I'll leave it to the Board. If
4 the Board wants a response on that, I'll need to defer
5 it anyways and get back with a response later.

6 Thank you.

7 THE CHAIR: NIRB legal counsel.

8 MS. MEADOWS: Thank you, Madam Chair.

9 Teresa Meadows, legal counsel for the Nunavut Impact
10 Review Board.

11 As parties know from previous rulings of the
12 Board, that -- the fact that something is admissible or
13 a question is asked is not a determination by the Board
14 as to direct relevance to the proceedings, and the
15 Board considers all evidence that's been provided and
16 then weighs it and determines whether or not it's
17 relevant in any given circumstance.

18 However, the question is in respect of Deposit 1,
19 which is relevant here for these proceedings, and so we
20 would ask that Department of Justice Canada defers this
21 response and provides an indication to the Board when
22 you would be able to provide a response to the general
23 question.

24 THE CHAIR: Oceans North, Christopher
25 Debicki, you have about a minute left.

26 MR. DEBICKI: Qujannamiik, Iksivauta.

1 Christopher Debicki, Oceans North.

2 I assume this will also be deferred, but can the
3 Government of Canada explain to the Board and to the
4 public what capital expenditures on Phase 2 that have
5 occurred thus far mean to or impact royalty payments to
6 Inuit on the subsurface rights to Deposit 1?

7 Thank you, Madam Chair.

8 THE CHAIR: Crown-Indigenous Relations and
9 Northern Affairs Canada, Spencer Dewar.

10 MR. DEWAR: Qujannamiik, Madam Chair.
11 Spencer Dewar, Crown-Indigenous Relations and Northern
12 Affairs Canada.

13 We'll defer that question as well and respond
14 tomorrow morning at the latest. Qujannamiik.

15 THE CHAIR: So those are two deferred
16 responses from the Government of Canada. That's the
17 time that was left for Oceans North.

18 Next on the agenda, World Wildlife Fund, Paul
19 Okalik. You have 30 minutes.

20 World Wildlife Fund Questions Baffinland Iron Mines
21 Corporation, Crown-Indigenous and Northern Affairs
22 Canada, Transport Canada, Environment and Climate
23 Change Canada

24 MR. OKALIK: Thank you, Madam Chair.

25 I'm going to pass it over to my colleague after
26 I'm done.

1 First -- my first question: We hear from -- at
2 the mine, when they are questioning the iron ore, that
3 the dust is blowing away to any direction. First of
4 all, we heard that the -- there's a question that in
5 (INUKTITUT SPOKEN) that has not being used, and even if
6 Phase 2 doesn't go ahead, are they still going to use
7 the crusher that they're planning to use? And, also,
8 the dust is blowing away in every direction. It lands
9 on the snow as well as the land where it's
10 contaminating plant growth, and we are in -- we want to
11 protect our vegetation. I'm wondering, is it going
12 to perhaps be able to build that building where they
13 can crush iron indoors? And that's my first question.

14 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

16 Thank you for the question.

17 I don't think that this is a commitment that we
18 would make right now. This is something that we would
19 have to reevaluate based on the outcome of the Board's
20 recommendation and subsequent minister's decision on
21 Phase 2. Thank you.

22 THE CHAIR: World Wildlife Fund, Paul
23 Okalik.

24 MR. OKALIK: Thank you, Madam Chair.

25 Yes. As a board, you have to make sure that you
26 have all the information necessary to make adequate

1 decisions, so I'd like to present to you that the
2 questions and answers that were put to -- through the
3 courts and the February 19th report and -- that came
4 from Baffinland CEO, that the building, that can be
5 erected immediately to start crushing the iron ore,
6 even if Phase 2 doesn't proceed.

7 So I'm going to be presenting that order from the
8 judge as evidence, and it's up to the Board to decide
9 whether they want to use it or not.

10 And there's quite a few things that -- that went
11 through the courts and different orders from the judge,
12 and there's the Nunavut Agreement, and it was signed by
13 Qikiqtani Inuit Association in 2018, and I'd like to
14 say to the Qikiqtani Inuit Association, first of all,
15 they followed their heart and -- to represent the Inuit
16 of this region, and I thank you for that. And the land
17 claim agreement states if that comes from iron ore --
18 if it's going to affect the harvesting rights and the
19 wildlife and the environment in the immediate vicinity
20 of the area, the people who own the land can recommend
21 or state that they have to immediately resolve the --
22 and mitigate the issues that are causing the dust
23 problem. And the Qikiqtani Inuit Association, perhaps
24 after this -- these public hearings, is the QIA going
25 to recommend or direct Baffinland to make sure they
26 mitigate the dust that is going on the land? Thank

1 you.

2 THE CHAIR: Qikiqtani Inuit Association
3 Jared Ottenhof.

4 MR. OTTENHOF: Thank you, Madam Chair. Jared
5 Ottenhof for the Qikiqtani Inuit Association. Thank
6 you, Mr. Okalik, for your question.

7 As the designated Inuit organization for the
8 Mary River Project, Qikiqtani Inuit Association manages
9 the lease and our obligations under it in good faith
10 and in the best interests of Inuit.

11 Qikiqtani Inuit Association has been vocal to the
12 Nunavut Impact Review Board in the annual review and
13 impact assessment processes on mitigating the spread
14 and effects of dust from the current Mary River
15 Project.

16 As a result from feedback from Inuit in the
17 impacted communities, Qikiqtani Inuit Association's
18 board has identified mitigation of dust as a priority
19 for Qikiqtani Inuit Association. Qikiqtani Inuit
20 Association already conducts inspections under the
21 lease, and dust will continue to be a major area of
22 focus.

23 The Qikiqtani Inuit Association is currently
24 planning an independent investigation into fugitive
25 dust from the Mary River Project to build a body of
26 information for use in addressing the impacts. We

1 intend to share the results of the investigation widely
2 once complete.

3 And on the topic of indoor crushing, Qikiqtani
4 Inuit Association would support a commitment from
5 Baffinland to evaluate the usage of the indoor crushing
6 facility currently sitting outside the Milne Port site
7 for usage in the current project. This would aid in
8 providing proof of concept for Baffinland's mitigation
9 by design approach to the project.

10 To be clear, we are asking for an evaluation of
11 the use of the facility. Baffinland must provide a
12 report to the Nunavut Impact Review Board explaining
13 the results of the evaluation and specific details for
14 the reasons why they can or cannot implement this
15 change, and the Qikiqtani Inuit Association will
16 continue to support initiatives that improve the
17 project to improve acceptability to Inuit. Thank you.

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

20 MR. OKALIK: Thank you, Madam Chair, and
21 thank you, Qikiqtani Inuit Association, for your
22 informative response.

23 And I feel for my fellow Inuit, and I feel for
24 Inuit organizations because they are genuinely trying
25 to help Inuit people, and we heard from Pond Inlet
26 residents, organizations who are very concerned about a

1 Phase 2 project to increase the productivity of the
2 mine. And the Inuit organizations, the hamlet and
3 communities, all -- mostly all of Nunavut Inuit are
4 very concerned because they are feeling defensive of
5 the Inuit who live in west Baffin, and they have no
6 idea how and what the outcome will be.

7 I would like to ask now to the Nunavut government,
8 because you represent Nunavummiut, as a territorial
9 government, I'm sure you've heard the voice of the
10 people, and I'm sure after this public hearing, you'll
11 go in front of your minister and report back to them of
12 the public hearing. Are you going to be representing
13 Inuit and their concerns and represent them as a
14 representative of the Nunavummiut? Are you going to be
15 representing the best interests of the Inuit of
16 Nunavut? Thank you. I'd like a response.

17 THE CHAIR: Government of Nunavut,
18 Natalie O'Grady.

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

21 Mr. Onalik would like to address Mr. Okalik's
22 question. Thank you.

23 THE CHAIR: Jimi Onalik.

24 MR. ONALIK: Thank you, Chairperson. Thank
25 you, Paul, for bringing this forward.

26 As you know, the cabinet has very -- is deeply

1 interested in these proceedings and believes very much
2 in the Nunavut Impact Review Board process. The
3 cabinet who are Inuit ask for regular updates, and in
4 addition have their own communication with many of the
5 stakeholders around this table. We will definitely
6 bring forward -- we've heard very clearly the concerns
7 that have been brought forward, and we will definitely
8 continue to bring that to cabinet. Thank you.

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

11 MR. OKALIK: Thank you, Chairperson.

12 I did mention that would be my questions.
13 Andrew Dumbrille also wants to ask questions.

14 THE CHAIR: Andrew Dumbrille.

15 MR. DUMBRILLE: Hello, Chair. Can you hear me
16 okay?

17 THE CHAIR: Yes. You may proceed.

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

20 I have a few questions for Transport Canada. The
21 first one: Slowing down the melting of Arctic snow and
22 ice, which is critical to the global climate system and
23 to the way of life for Inuit by reducing black carbon
24 emissions can be achieved by shifting Arctic shipping
25 from heavy fuel oil use to distillate fuels. Black
26 carbon reductions of up to 80 percent can be achieved

1 by mandating this feasible switch.

2 Some have suggested that not having this type of
3 clean fuel mandate in the predominantly indigenous
4 Arctic, like emission control areas south of 60 degrees
5 in Canada, is a form of environmental racism. It's
6 imperative that this discrepancy between shipping fuel
7 use above and below 60 degrees in Canada be addressed
8 urgently.

9 When will Transport Canada adopt similar shipping
10 emission control measures in the Arctic and for the
11 Mary River Project as in the rest of Canada?

12 Thank you.

13 THE CHAIR: Transport Canada,
14 Jackie Barker.

15 MS. BARKER: Thank you, Madam Chair.

16 Jackie Barker, Transport Canada. Anita Gudmundson will
17 respond to this question.

18 THE CHAIR: Anita Gudmundson.

19 MS. GUDMUNDSON: Thank you, Madam Chair.

20 Are you able to hear me?

21 THE CHAIR: Yes. You may proceed.

22 MS. GUDMUNSON: Great. Thank you. And thank
23 you for that question.

24 The global sulphur count is a global limit on the
25 sulphur content of fuel introduced by the International
26 Maritime Organization as a means by which to reduce

1 sulphur emissions from ships.

2 This limit, which is 0.5 percent sulphur, is
3 applicable worldwide except in specific areas called
4 "emission control areas". The emission control area
5 covers waters in Canada south of 60 degrees and
6 includes domestic waters out to the 200-mile limit of
7 the exclusive economic zone.

8 The emission control area was based on the
9 concentration of emissions in populated areas of
10 Canada. Since the Arctic has a small population, which
11 is spread out and does not have the volume of shipping
12 traffic to support the concentration of emissions that
13 would impact human health designating it as an emission
14 control area, it would have little impact on human
15 health.

16 In terms of the designation process, Canada
17 submitted a joint application with France and the
18 United States to the International Maritime
19 Organization to designate the emission control area.
20 Since the United States was not in favour of an
21 emission control area that expanded into the Arctic, as
22 it would have covered Alaska, the application was
23 submitted for waters south of 60.

24 The Arctic was also excluded from the North
25 American emissions control area proposal due to a lack
26 of data and modelling ability as well as the view that

1 shipping in the Arctic was relatively low.

2 Transport Canada supports Environment and Climate
3 Change Canada's assessment that project-related
4 shipping will increase black carbon emissions and
5 support -- (INTERPRETER BELL).

6 THE CHAIR: Ms. Gudmundson, slow down.

7 MS. GUDMUNDSON: Thank you. My apologies.

8 And supports the project-specific mitigation
9 measure recommended by Environment and Climate Change
10 Canada that the proponent shall require ore carrier
11 vessels to use 0.1 percent sulphur marine gas oil or
12 alternate fuels to reduce these emissions. Thank you.

13 THE CHAIR: World Wildlife Fund, Andrew
14 Dumbrille.

15 MR. DUMBRILLE: Thank you, Chair. Andrew
16 Dumbrille, World Wildlife Fund.

17 I think -- I think it's plain to see or to hear
18 that Nunavummiut and Inuit and people in the Arctic
19 aren't being treated equally with the same level of
20 emission controls from shipping, and it sounds to me
21 like the health of people in the north aren't being
22 protected, as they are in the south of Canada. That's
23 environmental racism. So -- as well, the provision
24 from Environment and Climate Change Canada does call
25 for no -- no burning of heavy fuel oils out to
26 200 nautical miles, which is equal to emission control

1 areas south of 60.

2 We'd encourage Baffinland to take on that
3 commitment and equal this unlevel shipping fuel use in
4 Canadian waters.

5 My second question is for Transport Canada. Many
6 jurisdictions around the world are banning the use of
7 scrubbers in shipping operations. Turkey just did
8 this, for instance, in their entire 200-nautical mile
9 ocean area. Shipping discharges into the ocean from
10 scrubbers contain heavy metals and many toxic
11 pollutants. When will Transport Canada ban their use
12 in Canadian waters and for the Mary River Project?

13 Thank you.

14 THE CHAIR: Transport Canada, Jackie
15 Barker.

16 MS. BARKER: Thank you, Madam Chair.
17 Jackie Barker, Transport Canada.

18 Again, Anita Gudmundson will respond to this
19 question.

20 THE CHAIR: Anita Gudmundson.

21 MS. GUDMUNDSON: Thank you, Madam Chair.
22 Anita Gudmundson with Transport Canada, and thank you
23 again, Andrew, for that question.

24 Before I respond, if I could, I just would like to
25 make a follow-up comment in relation to the comments
26 that you've made about treating Inuit differently.

1 Again, I would just like to reiterate that the
2 decision-making process and the designation of the
3 existing North America emissions control area was based
4 on the low volume of shipping at the time, and it was
5 based on the lack of data and modelling ability. So
6 that decision was directly related to the potential
7 health impact and the potential health benefit from
8 imposing an emission control area.

9 However, as you did correctly note, that the
10 recommendation made by Environment and Climate Change
11 Canada, which is supported by Transport Canada, that
12 Baffinland use a 0.1 percent sulphur marine gas oil
13 within Canada's economic zone would effectively reduce
14 the risk of black carbon emissions by the project.

15 And moving to your second question, Transport
16 Canada is taking into consideration any recommendations
17 that are developed by the International Marine
18 Organization in relation to impacts of scrubber wash
19 water. Exhaust gas cleaning systems approved according
20 to international guidelines are currently authorized in
21 Canada as part of the Vessel Pollution and Dangerous
22 Chemicals Regulations, and these guidelines include
23 provisions about what is allowed to be discharged as
24 part of the exhaust gas cleaning system's wash water.

25 Canadian regulations are also consistent with the
26 International Maritime Organization regulatory

1 framework, and the guidelines are currently being
2 reviewed at the international level, and wastewater
3 discharges are being examined as part of this process.

4 The Government of Canada is supportive of this
5 work and looks forward to the recommendations.

6 THE CHAIR: Before you continue with your
7 response, World Wildlife Fund, this is your five-minute
8 warning.

9 Transport Canada, Anita Gudmundson.

10 MS. GUDMUNDSON: Thank you, Madam Chair.
11 Anita Gudmundson with Transport Canada. I'll just
12 continue.

13 In the months ahead, Transport Canada will examine
14 the recommendations that are developed at the
15 International Maritime Organization to help inform if
16 further steps are required, and any amendments agreed
17 to internationally will result in regulatory changes.

18 Transport Canada will approach these regulatory
19 changes with a coordinated approach that includes
20 collaboration and engagement with all stakeholders.

21 I would further note that in regards to the Mary
22 River Project, Baffinland has committed, should Phase 2
23 be approved, that they will require all ore carriers to
24 use lighter distillate fuels within the Nunavut
25 settlement area, and I do acknowledge that this is
26 different than what is being recommended by Environment

1 and Climate Change Canada. However, noting that with
2 this commitment and should the Nunavut Impact Review
3 Board determine that the mitigation measures should be
4 applied through Canada's exclusive economic zone,
5 scrubbers would serve no purpose and not be used.

6 Thank you.

7 THE CHAIR: World Wildlife Fund, you have
8 three minutes left.

9 Andrew Dumbrille.

10 MR. DUMBRILLE: Thank you, Chair. Thank you,
11 Anita, I appreciate the answer.

12 I have one more question, but before I get to
13 that, the reason that 30 jurisdictions, and counting,
14 have banned scrubbers -- countries like Saudi Arabia,
15 Singapore, the US, Norway -- the list is quite long --
16 is because the IMO regulations are poor, and they don't
17 protect the ocean environment. As well, scrubbers
18 allow the continued use of one of the world's most
19 polluting and hazardous fuels, heavy fuel oil.

20 My last question, Chair, to Transport Canada:
21 Baffinland hasn't committed to targets or timelines for
22 reducing greenhouse gas emissions from vessels for
23 current operations or for Phase 2. How will Transport
24 Canada ensure Mary River's shipping operations reduce
25 emissions in line with Canada's emissions reduction
26 targets and the Paris climate agreement to keep global

1 temperature rise to 1.5 degrees? Thank you, Chair.

2 THE CHAIR: Transport Canada, Jackie
3 Barker.

4 MS. BARKER: Jackie Barker, Transport
5 Canada. Anita Gudmundson will respond to this
6 question.

7 THE CHAIR: Anita Gudmundson.

8 MS. GUDMUNDSON: Thank you, again, for the
9 question. Thank you, Madam Chair. Anita Gudmundson
10 with Transport Canada.

11 The Government of Canada has recently released a
12 strengthened climate plan, A Healthy Environment and a
13 Healthy Economy to help Canada meet and exceed its 2030
14 greenhouse gas target and set a course for net zero
15 emissions by 2050.

16 With respect to marine transportation, the plan
17 includes specific commitments to work with marine
18 stakeholders to accelerate technology development and
19 pilot deployments as well as the implementation of
20 commercially ready solutions.

21 The government will also examine options to help
22 deploy low carbon fuel equipment at marine house, which
23 could include powering boats with clean on-shore
24 electricity when they are at marine port.

25 Again, specific to the Mary River Project, I would
26 just reiterate that Transport Canada is supportive of

1 the recommendations made by Environment and Climate
2 Change Canada, and if it's all right, I would pass to
3 Environment and Climate Change Canada -- excuse me --
4 to add a bit more context about how their
5 recommendation would have an impact on climate change.
6 Thank you.

7 THE CHAIR: Environment and Climate Change
8 Canada, Anna Graham.

9 MS. GRAHAM: Anna Graham, Environment and
10 Climate Change Canada.

11 I will just clarify that Environment and Climate
12 Change Canada will stand by our recommendation that the
13 Baffinland vessels use distillate fuel. This will
14 result in significant -- a significant reduction in
15 black carbon emissions in the Arctic, and although
16 black carbon is not strictly considered a greenhouse
17 gas, it is a climate forcer and can have significant
18 impacts on climate, especially in the local regional
19 area and has a particularly strong effect in the
20 Arctic.

21 So our recommendation to -- if Baffinland does use
22 distillate fuel, it will have an impact on regional
23 climate change effects. Thank you.

24 THE CHAIR: That ends the line of
25 questioning from the World Wildlife Fund.

26 On to the last registered intervenor for

1 questionings to the proponent and other registered
2 intervenors, Nunavut Independent Television Network,
3 Zacharias Kunuk.

4 Nunavut Independent Television Network Questions
5 Baffinland Iron Mines Corporation

6 MR. KUNUK: Thank you, Madam Chairperson.
7 Zacharias Kunuk. We are independent.

8 Firstly, I want to apologize. This is not our
9 first time we've shown on TV, and this is our way of
10 doing things as a -- with communications, and we are
11 involved from 2012 filming, and our reason is --
12 communications is our main goal. Because the people
13 have to be informed with our work, and we're
14 established for that.

15 We notice at the time when NIRB and Baffin --
16 Mary River started coming up north, and today few are
17 involved in meetings, and us, the people with
18 television, we'll -- and we tape them, particularly the
19 communities -- the five communities that are impacted
20 much more than others. We film in those areas -- in
21 the water, on the land -- and we bring people to the
22 land and film them telling stories, and we do filming
23 and thinking of the future generation to remember our
24 practices. And that's one of the -- that we started to
25 work with Mary River Project in the communities and --
26 for the impacted communities, and we still do the same

1 work.

2 For the hunters being filmed with their work to
3 the (INUKTITUT SPOKEN) practices being filmed, when
4 they're using it, and for these reasons, so we could
5 communicate to the people and so they can hear what's
6 happening. Some of them don't get enough information.
7 We don't want to omit anybody.

8 So Isabelle is going to speak next. Thank you,
9 Madam Chairperson.

10 THE CHAIR: Isabelle Gilles.

11 MS. GILLES: Thank you, Madam Chair. Can
12 you confirm that you hear me all right?

13 THE CHAIR: Yes. You may proceed.

14 MS. GILLES: Thank you.

15 We thank Baffinland for its responses to our
16 written questions. The purpose of these questions was
17 to get further information about various activities and
18 plans that Baffinland has for the continuous
19 improvement of its community engagement efforts.

20 In particular, we have been interested in external
21 evaluation of these efforts through the Mining
22 Association of Canada's Towards Sustainable Mining
23 framework, and we noted that Baffinland's rating on
24 indigenous and community relations has improved in its
25 latest evaluation.

26 While we appreciate that there is some public

1 information available on the Mining Association of
2 Canada website, our questions were about understanding
3 a bit more about what actions or factors had resulted
4 in this improvement. We think this is important
5 because Baffinland has confirmed that the Mining
6 Association of Canada's Towards Sustainable Mining will
7 remain a key external evaluation framework for
8 community engagement.

9 We have three follow-up questions for Baffinland
10 on this topic. First: Can Baffinland provide a
11 summary of its ongoing work to implement the Towards
12 Sustainable Mining requirements, including when the
13 next external evaluation is planned, and the degree to
14 which external stakeholders are involved in those
15 evaluations? Thank you.

16 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

18 I'll ask Andrew Moore to respond. Thank you.

19 THE CHAIR: Andrew Moore.

20 MR. MOORE: Thank you, Madam Chair.

21 Andrew Moore, Baffinland.

22 Baffinland is a member of the Mining Association
23 of Canada and does participate, as indicated in its
24 responses to Nunavut Independent Television --

25 THE INTERPRETER: I can't hear him.

26 MR. MOORE: (NO ENGLISH FEED) towards

1 Sustainable Mining standards for a Canadian mining
2 operation as the standard belongs to the Mining
3 Association of Canada. (INTERPRETER BELL).

4 THE CHAIR: Mr. Moore, please slow down
5 and pause between sentences.

6 MR. MOORE: Thank you, Madam Chair. My
7 apologies.

8 Baffinland cannot comment on the standard itself,
9 as it is -- it belongs to the Mining Association of
10 Canada. However, in response to the intervenor's
11 question, external verification under the Mining
12 Association of Canada's Towards Sustainable Mining
13 standards occurs every three years. As part of this
14 standard, there is also an opportunity for mining
15 companies to be selected as -- to participate in
16 additional verification with a community of interest
17 panel. Baffinland was selected to participate in that
18 process with the mining association and is currently
19 engaged in that process.

20 The community of interest panel is made up of
21 industry experts, indigenous members, and Baffinland
22 will be continuing its participation in that external
23 review process following the conclusion of the Phase 2
24 public hearing in cooperation with the Mining
25 Association of Canada.

26 Thank you, Madam Chair.

1 THE CHAIR: Nunavut Independent Television
2 Network, Isabelle Gilles.

3 MS. GILLES: Thank you, Madam Chair,
4 Isabelle Gilles for NITV. Thank you, Andrew, for that
5 response.

6 Can you confirm, then, that stakeholders from the
7 affected communities have not been involved in the last
8 exercise or the last external evaluation that you have
9 had conducted? Thank you.

10 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

12 That is correct, and it's at the discretion of the
13 mining association to determine who is involved. Thank
14 you.

15 THE CHAIR: Nunavut Independent Television
16 Network, Isabelle Gilles.

17 MS. GILLES: Thank you, Madam Chair.
18 Isabelle Gilles for NITV, and thank you, Megan, for
19 that response. I will move on to our second question.

20 Can Baffinland confirm that these Towards
21 Sustainable Mining requirements exist independently of
22 the approval of the --

23 THE CHAIR: Ms. Gilles, please slow down
24 and pause between sentences.

25 MS. GILLES: Can Baffinland confirm that
26 these Towards Sustainable Mining requirements exist

1 independently of the approval of the Phase 2 proposal?

2 Thank you.

3 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

5 Yes, that is correct. The initiative would remain
6 in place regardless of the approval for Phase 2, as
7 long as Baffinland remains a member of the Mining
8 Association of Canada. Thank you.

9 THE CHAIR: Nunavut Independent Television
10 Network, Isabelle Gilles.

11 MS. GILLES: Thank you, Madam Chair.
12 Isabelle Gilles for the Nunavut Independent Television
13 Network.

14 Our third question: We believe that Baffinland
15 has developed some new community engagement initiatives
16 since the Pond Inlet hearings earlier this year. Can
17 Baffinland share a summary of these new proposals to
18 help our understanding of the status of potential
19 commitments related to community engagement? Thank
20 you.

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

23 I apologize, Madam Chair. May I get clarification
24 on the question, if it was -- if Ms. Gilles was looking
25 for a summary of the recent community engagement that
26 was conducted? Thank you.

1 THE CHAIR: Nunavut Independent Television
2 Network, Isabelle Gilles.

3 MS. GILLES: Thank you, Madam Chair.
4 Isabelle Gilles for the Nunavut Independent Television
5 Network. Thank you, Megan.

6 No. We're not looking for a list of engagement
7 activities. We are looking more towards initiatives
8 that would include -- I think you have mentioned
9 creating a new position for someone in the communities
10 that would help to gain more -- a better understanding
11 for Baffinland regarding community perspectives, and I
12 believe other initiatives have also been discussed.
13 Thank you.

14 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

16 Thank you for the clarification. I'll ask Udlu
17 Hanson in Iqaluit to respond. Thank you.

18 THE CHAIR: Udlu Hanson.

19 MS. HANSON: Qujannamiik. Udlu Hanson.

20 Thank you for the question.

21 As I understand it, you're wondering about the
22 positions we're creating in the communities to ensure
23 that we have better engagement.

24 We've committed six new full-time positions in
25 Arctic Bay, Clyde River, Igloolik, and Sanirajak.
26 These positions include an Inuit Qaujimagatuqangit

1 advisor, a full-time trainer, an Inuit success team
2 advisor, a full-time counsellor, a community resources
3 coordinator, an office manager -- is that six? I feel
4 like I'm missing one.

5 There's two other positions we've -- we're
6 committing to create in Pond Inlet. One would be
7 the -- a second Baffinland community liaison officer,
8 and the second one is a community monitoring
9 coordinator.

10 These positions were created based on the feedback
11 and concerns we received about -- or from community
12 members where they would like to see more engagement.

13 The other positions -- just to clarify -- that
14 we're creating in the communities include 20 full-time
15 trainees in each community for a period of at least six
16 months, and then rotating -- creating another 20
17 training positions full-time in each community -- each
18 impacted community, therefore, 40 trainees per year for
19 three years to be evaluated after three years.

20 If you require further detail, I'm happy to
21 provide it. Qujannamiik.

22 THE CHAIR: Nunavut Independent Television
23 Network, Isabelle Gilles.

24 MS. GILLES: Thank you, Madam Chair, and
25 thank you, Udlu, for your response.

26 Can I confirm that these positions are created

1 independently of Phase 2 approval? Thank you.

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

4 I'll start and perhaps pass back to Udlu if she
5 wants to add anything else. But right now, no, we
6 aren't committing to these positions if Phase 2 does
7 not move forward.

8 As I mentioned in regards to the operation of the
9 new crusher, should Phase 2 not move forward, we would
10 have to reevaluate our position and look at the
11 resources available to us to determine what the future
12 of the operation would be. Thank you.

13 Just to confirm -- I think we'll just leave it
14 there. Thank you.

15 THE CHAIR: Udlu Hanson?

16 MS. HANSON: Qujannamiik. Udlu Hanson,
17 Baffinland.

18 Megan correctly answered the question. The
19 commitment is for only if Phase 2 is approved.
20 However, there are these -- there are existing
21 positions within the communities now. We have
22 Baffinland community liaison officers. What -- we are
23 committed to the second Baffinland community liaison
24 officer in Pond Inlet. We have a community resources
25 coordinator in Arctic Bay, and we have -- sorry -- a
26 full-time translator in Pond Inlet, and we are creating

1 another translator position as well. These are all
2 positions in the communities above and beyond the ones
3 we have in Iqaluit. Qujannamiik.

4 THE CHAIR: Nunavut Independent Television
5 Network, Isabelle Gilles.

6 MS. GILLES: Thank you, Madam Chair.
7 Isabelle Gilles, Nunavut Independent Television
8 Network. Thank you for these responses.

9 Would Baffinland be open to considering these
10 initiatives if Phase 2 is not approved, or is this
11 something that you would not be considering? Thank
12 you.

13 THE CHAIR: Baffinland, Megan Lord-Hoyle.

14 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
15 Thank you for the follow-up.

16 We would, of course, love to create these new
17 positions. We are looking forward to these new
18 positions, but without the approval for Phase 2, we do
19 not have the resources or future stability to commit to
20 increasing community or other employment along with the
21 additional commitments that have been made through this
22 review process that are contingent on the Phase 2
23 proceeding.

24 The current operation is coming to the end of its
25 useful life in terms of the equipment, and the funds
26 that are required to continue to maintain it are

1 uncertain. So without Phase 2, we cannot make any
2 commitments around increasing or advancing commitments
3 that have been made in regards to Phase 2. Thank you.

4 THE CHAIR: Nunavut Independent Television
5 Network, this is also your seven-minute warning.
6 Isabelle Gilles.

7 MS. GILLES: Thank you, Madam Chair.
8 Isabelle Gilles, Nunavut Independent Television
9 Network. Thank you, Megan, for these positions. We
10 have no further questions for Baffinland.

11 We also ask some questions to Crown-Indigenous
12 Relations and Northern Affairs Canada about the best
13 process for the Nunavut Independent Television Network
14 and other intervenors to make comments about broader
15 issues related to the duty to consult, either as part
16 of the current Nunavut Impact Review Board process or
17 if there would be a separate process afterwards as
18 alluded to in a letter circulated to the parties in
19 January 2021.

20 From Crown-Indigenous Relations and Northern
21 Affairs Canada's response, we understand that all
22 intervenors are encouraged to provide comments directly
23 to the Nunavut Impact Review Board before the process
24 concludes to ensure their concerns can be heard and
25 considered. This informs the Nunavut Impact Review
26 Board in their recommendation to responsible ministers.

1 Therefore, we will make any comments in our final
2 written submission to the Nunavut Impact Review Board
3 after these public hearings conclude, and we thank the
4 Government of Canada for this clarification.

5 We have no further questions at this time. Thank
6 you, Madam Chair.

7 THE CHAIR: That concludes the round of
8 questioning from registered intervenors to the
9 proponent and other registered intervenors.

10 We are going to break for supper and reconvene at
11 6:30 for the evening session and move on to the next
12 item on the agenda, questioning of registered
13 intervenors by Baffinland.

14

15 (PROCEEDINGS ADJOURNED UNTIL 6:30 PM)

16

17 (PROCEEDINGS COMMENCED AT 6:31 PM)

18 THE CHAIR: Welcome back
19 everyone. We can start.

20 The Nunavut Impact Review Board was advised
21 earlier this week that Baffinland's team is mourning
22 the loss of Claude Pinard, the lead archaeologist for
23 the project.

24 As many of the regulatory agencies and
25 particularly the Government of Nunavut knew and worked
26 with Mr. Pinard, the Board acknowledges his loss and

1 conveys our sympathies to all of his family, friends,
2 and colleagues.

3 I invite Baffinland to say a few words about his
4 life and legacy, if they wish. Baffinland.

5 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
6 Lou Kamermans to say a few words. Thank you, Madam
7 Chair.

8 THE CHAIR: Lou Kamermans.

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

11 Claude started working with Baffinland in 2008 and
12 over 13 years contributed to our archeological impact
13 assessments as well as our archeological mitigations
14 and monitoring programs.

15 He had a deep appreciation for the Arctic and a
16 long and rich cultural history of Inuit and their
17 predecessors on the land. He spent much of his career
18 working in the Arctic.

19 Together with the Government of Nunavut
20 territorial archaeologist, we offer our deepest
21 sympathies to his family, colleagues, and friends and
22 ask that we all give him a brief moment of silence
23 before we proceed. Thank you.

24 Moment of Silence

25 MR. KAMERMANS: Thank you, Madam Chair.

26 THE CHAIR: And now continuing on with the

1 agenda. We're going to move on to Baffinland's
2 follow-up questioning of the registered intervenors,
3 which will continue into Thursday morning. They have
4 up to five hours. Baffinland, Megan Lord-Hoyle.
5 Baffinland Iron Mines Corporation Questions the
6 Government of Nunavut

7 MS. LORD-HOYLE: Thank you, Madam Chair. Megan
8 Lord-Hoyle.

9 I'll ask Brad Armstrong with Lawson Lundell, our
10 legal counsel, to conduct the questioning. Thank you.

11 THE CHAIR: Brad Armstrong.

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

14 We would like to start -- we have a few questions
15 for the Government of Nunavut, Madam Chair, and these
16 questions are really about -- we've talked a lot today
17 about the environment. We'd just like to talk to you a
18 little bit about economic development this evening.

19 In your presentation, which -- your presentation
20 made back in February, I think, part of that
21 presentation talked about your -- the mandate to
22 develop the economy in ways that support a positive
23 future for Nunavummiut.

24 And in addition to that, we've had a look at the
25 Premier's message in which there are very many
26 priorities set out for -- for the government. But one

1 of the priorities -- and I'm reading from page 22 of
2 the Premier's -- of the -- what's called the "Premier's
3 message". You don't need to go to it. I'll just
4 briefly read it. And it says: (as read)

5 Our priorities include diversifying and
6 improving economic opportunities to encourage
7 community self-reliance and provide local
8 employment through traditional industries,
9 arts and culture, small businesses, mining,
10 fisheries, and other sectors. [And the
11 second paragraph says] Developing and
12 managing our renewable and nonrenewable
13 resources for the long-term benefit of
14 Nunavummiut.

15 I'll just ask you to confirm, I think -- Mr. Onalik, I
16 think the question's probably for you. But just could
17 you just confirm that if the Phase 2 project is
18 approved, that it does fit in with those priorities
19 which I just read, economic development, self-reliance,
20 opportunities for -- for employment, et cetera?

21 THE CHAIR: Government of Nunavut, Natalie
22 O'Grady.

23 MS. O'GRADY: Thank you, Madam Chair. Thank
24 you, Brad, for the questions.

25 Mr. Onalik would like to respond.

26 THE CHAIR: Jimi Onalik.

1 MR. ONALIK: Thank you, Chairperson. Thank
2 you for the question.

3 I'm going to offer an answer with -- with all
4 intention of respect and recognizing that the answer I
5 give will be very apparent to everyone who lives in
6 Nunavut.

7 The challenge Nunavut faces is pretty stark when
8 it comes to the economy. We have the highest rates of
9 unemployment. We have some of the highest rates of
10 food insecurity, meaning people don't have in many
11 cases enough to eat, and we also have a challenge
12 that's facing us over the next -- over the coming two
13 decades, and that's something that the Government of
14 Nunavut is very concerned about.

15 In addition to the people who are currently
16 unemployed and who are currently unable to provide the
17 necessities of life for their family, we're facing
18 10,000 young people across Nunavut becoming adults.
19 That's a very high number, and in the five affected
20 communities for the Baffinland project, there will be
21 1,800 -- 1,800 young people becoming adults over the
22 next 10 years.

23 In our minds, we are hopeful and we've remained
24 hopeful that we could find a way for this project to
25 proceed with everybody finding agreement and finding --
26 yeah, finding a way to proceed together. The

1 opportunities that this project represents are -- are
2 huge when it comes to employment.

3 They're -- in many ways, there's not much that can
4 replace in terms of employment the opportunities that
5 are presented recognizing at the same time that those
6 who have expressed concerns about the project and who
7 are opposed to the project understand this and have
8 weighed that in their own minds, for sure.

9 So I guess the short answer is, yes, we are
10 hopeful, as the Government of Nunavut, that we can find
11 major opportunities because as we looked at the
12 different sectors, mining represents one of the largest
13 opportunities for employment within Nunavut. I hope
14 that answers the question. Thank you.

15 THE CHAIR: Baffinland, Brad Armstrong.

16 MR. ARMSTRONG: Thank you, Madam Chair. Brad
17 Armstrong for Baffinland.

18 Mr. Onalik, just to follow up on you, you
19 indicated about 1,800 young people will become adults
20 over the next -- I'm not sure what the next time frame
21 was but soon.

22 We have some statistics for the five communities
23 which indicate that -- and I think these come from the
24 Government of Nunavut -- that about 35 to 40 -- there
25 will be about 35 to 40 new adults in each of the five
26 communities, and the -- over the next ten years or so.

1 So I'm looking at for Igloolik about 35 new adults
2 last year and then in this year, and then that jumps up
3 to over 40 in '22, et cetera. Similarly, in Pond
4 Inlet, the number of new adults begins to rise really
5 quite sharply in '22 and '23, and so that's around 35
6 to 55.

7 I'm wondering: I don't know that these statistics
8 are on the record, and so we're wondering if -- if the
9 Government of Nunavut could supply those statistics to
10 the Board so that they -- so they have the -- the
11 actual documentation of the numbers that you were just
12 talking about. Would you be able to do that?

13 THE CHAIR: Government of Nunavut, Jimi
14 Onalik.

15 MR. ONALIK: Jimi Onalik, Government of
16 Nunavut.

17 Yes. We can -- we can definitely do that. It's
18 basically the census data showing how many people were
19 born every year, and as you project it, you can see
20 when they -- when they turn 18 or reach that adulthood.
21 We will supply that data. Thank you.

22 THE CHAIR: Baffinland, Brad Armstrong.

23 MR. ARMSTRONG: Thank you, again, Madam Chair.
24 Brad Armstrong for Baffinland.

25 And just to tie that together, Mr. Onalik, I --
26 I'm sure you're aware that in the interim between

1 the last part of the public hearing and this one,
2 Baffinland has made an additional commitment to
3 employment, and that commitment, as I understand it, is
4 to provide 40 new jobs in each of the five communities
5 over at least the next three years.

6 And I just want to suggest to you -- I think it's
7 the obvious -- that providing those 40 new jobs would
8 certainly be a welcome opportunity to these -- the new
9 adults, which are -- which will be becoming new adults in
10 each of these communities. I'm suggesting to you this
11 is a significant opportunity that actually merges with
12 this higher level of new adults which will be present
13 in the communities over the next number of years.

14 Can I ask you just to confirm that that -- confirm
15 that opportunity and in the context of what you were
16 saying about the need for jobs and opportunity?

17 THE CHAIR: Government of Nunavut, Jimi
18 Onalik.

19 MR. ONALIK: Thank you, Chairperson. Yes.
20 It represents a large opportunity, and in some ways --
21 and I want to be really clear that, you know, in some
22 ways the deliberations taking place here shape -- has
23 put on hold some of the future planning for the
24 Government of Nunavut when it comes to the economic
25 development strategy.

26 The -- if this project is approved and proceeds,

1 then those of us in this room and those of us around
2 the table have a lot of work to do to sit down and
3 figure out how to milk as many jobs and opportunities
4 out of this project as possible.

5 If it doesn't proceed, then we have a real hard
6 question about if not this, then what? What are the
7 other opportunities that will replace this for the
8 1,800 new entrants? Never mind the people who are
9 currently there.

10 You know, we're doing a lot of hard work on
11 fisheries. We're doing a lot of hard work around
12 traditional economy, and we want to see the ability for
13 people to make living -- a living being hunters, being
14 seamstresses. But when you look at the totality of
15 those jobs, it doesn't really come close to the
16 opportunity that's presented here.

17 So either way, we have a very big decision. We
18 recognize the NIRB has an extremely hard decision in
19 front of them, and then we have collectively in this
20 room a lot of work to do to figure out what's the plan
21 for these 1,800 people. Thank you.

22 THE CHAIR: Baffinland, Brad Armstrong.

23 MR. ARMSTRONG: Thank you, Madam Chair. Brad
24 Armstrong.

25 And that actually brings me to my last question.
26 Of course, we do understand that you and I are speaking

1 about one aspect of the project, and that is the
2 economic opportunity, and there are many other
3 challenges, which have to be met.

4 But I just want to confirm with you that in terms
5 of -- you talked about if -- if not Phase 2, what
6 all -- what are the alternatives? And it is our
7 understanding that without Phase 2, there's not another
8 large project like this that's in the pipeline, so to
9 speak, or on the horizon. So I just want to confirm
10 with you that whether or not there are this, 'A', an
11 equivalent level of opportunity, is there something
12 else out there if not for Phase 2?

13 THE CHAIR: Government of Nunavut, Jimi
14 Onalik.

15 MR. ONALIK: Qujannamiik, Iksivauta.

16 The short answer -- like, we've looked really
17 hard, and we're really trying our best to collaborate
18 with organizations like QIA on -- on other sectors.
19 We've done a lot of work on fisheries, and we're
20 hopeful that we can make some really strong
21 improvements on -- on quota and allocation for -- for
22 this region when it comes to the fisheries.

23 But even considering the -- the process that
24 exists within the Department of Fisheries and Oceans
25 and others, in a best case scenario, we're talking for
26 the North Baffin potentially dozens of jobs, which is

1 good. These are good -- these are good jobs, and we're
2 hopeful that we can work on -- you know, we heard in
3 Pond Inlet the desire for community country food
4 markets and the ability to sell country food. This
5 would be extremely good and extremely important. We
6 hope we can all come together and do that, but, again,
7 that's a relatively small number of full-time jobs that
8 would be created from that.

9 We know -- and I'm kind of looking at NTI when I
10 say this. We know we have a lot of work to do to
11 increase Inuit employment within the Government of
12 Nunavut, and even if we were to achieve the agreed upon
13 targeted levels of Inuit employment within the five
14 affected communities, we're -- we're still talking
15 perhaps 1 -- 1 or 200 jobs where Inuit would take over
16 from non-Inuit.

17 So I think it's clear to us that the thousand or
18 so jobs that -- that will be created from this not only
19 will be really important upon themselves, but the
20 spin-offs that could achieve for the other communities,
21 it's -- there are very few things that could replicate
22 that, and we're open to ideas. But -- but looking at
23 what we have in front of us, it's -- it's a very
24 difficult situation. Thank you.

25 THE CHAIR: Baffinland, Brad Armstrong.

26 MR. ARMSTRONG: Thank you, Madam Chair.

1 Mr. Onalik, I did say that was my last question,
2 but there was one other one that follows from what you
3 said because you talked about spin-offs, and I just
4 wanted to talk to you a bit about -- in economics, what
5 they called the multiplier effect.

6 So just to confirm, we're not just talking about
7 the jobs, the direct jobs, at the mining project,
8 whether for the company or for contractors, but this --
9 the spin-off jobs. The multiplier effect tells us that
10 for an industrial project like this, you can generally
11 count on two or three -- one and a half or two or three
12 additional jobs that spin-off in the service industries
13 like hotels and transportation, in the arts, et cetera.

14 So when I read to you earlier about diversifying
15 the economy, the project not only would provide those
16 direct jobs but also, as you say, would have the
17 spin-off of helping you with diversifying the economy
18 through those -- those spin-off jobs as well. Can I
19 ask you just to speak about that for just a moment?

20 THE CHAIR: Government of Nunavut, Jimi
21 Onalik.

22 MR. ONALIK: Qujannamiik, Iksivauta. Jimi
23 Onalik, Government of Nunavut.

24 Yes, and I think we found in other regions as you
25 see the increase in Inuit employment within the mines,
26 you also see associated employment in home communities.

1 There's more disposable income.

2 And the primary economic response, I think, we're
3 seeing is -- is in many cases those people who are
4 working at the mines actually spend -- have the money
5 and ability to hunt more, and it increases the amount
6 of country food available in -- in communities for --
7 either for sale or for covering for the families'
8 needs.

9 So as we're looking at -- at what the impacts of
10 this project could be, it's not only the jobs that are
11 at -- at site, but, in theory, there's a larger market
12 for sewn products, for arts, for -- for crafts, and
13 it -- that increase of pool of income in the community
14 allows for more communities-based economic development,
15 meaning the idea of a country food market becomes more
16 viable, or, you know, people hiring others to do what
17 would otherwise be considered traditional activities.

18 So all that to say -- I mean, we -- we have a lot
19 of work to do amongst all of us to maximize that.
20 Like, that's -- that's not necessarily a predetermined
21 thing that it's going to happen. It would involve a
22 lot of work on the part of the Government of Nunavut
23 and others, like I said before, to make sure that every
24 opportunity is -- is pulled out of this project.

25 It's not an automatic yes for the project means
26 this is all going to happen. We all have a lot of work

1 to do, and we -- we look forward to that work. You
2 know, in the alternative, we all -- all of us around
3 this table and all of us in this room have a lot of
4 planning to do if this project doesn't proceed because
5 we still have this group of people who will be hitting
6 the workforce.

7 And if I could just add a little piece. Like, I
8 know there's some -- this has been framed in some way
9 about choosing jobs over the environment, and I just
10 really want to say that, you know, the direction we've
11 been given within the GN from our cabinet is these jobs
12 accomplish something. You know, we have people who
13 need food for their families, people who aren't able to
14 clothe their children. You know, we -- we've seen
15 people from -- Hollywood stars providing parkas for our
16 kids and stuff.

17 These are jobs to provide the basics of life, and
18 I just hope it can be framed in that way. We're not
19 talking about greed, or we're not talking about
20 jewellery, gold jewellery, or something. It's really
21 about trying to find a way to improve the quality of
22 life. Thank you.

23 THE CHAIR: Baffinland, Brad Armstrong.

24 MR. ARMSTRONG: Thank you, Madam Chair. Brad
25 Armstrong for Baffinland.

26 And thank you very much, Mr. Onalik. Those are

1 all the questions we have, Madam Chair, for the
2 Government of Nunavut.

3 Madam Chair, Brad Armstrong. We do have some
4 questions -- just a few questions for the NTI. Should
5 I proceed, Madam Chair?

6 THE CHAIR: I already referred to you, so
7 you can just ask to the next intervenor.

8 MR. ARMSTRONG: Okay. Thank you.

9 THE CHAIR: You may proceed.

10 Baffinland Iron Mines Corporation Questions Nunavut
11 Tunngavik Incorporated

12 MR. ARMSTRONG: These questions are for the
13 NTI. It's Mr. Eetoolook, I think, for the NTI. We had
14 just a few questions about royalty projections.

15 We asked a written question. As you know,
16 Baffinland has done a projection that the royalties,
17 which would be received by the NTI, will be about
18 \$1.4 billion, and we asked the NTI the written
19 question, whether they had done their own analysis.
20 And -- and we recognize that it is -- it is challenging
21 to project the royalties because they will be dependent
22 on a number of factors, including the price of ore and
23 the cost of production, et cetera.

24 But we took it from the answer, the written
25 answer, that the NTI's projections are in the same
26 range as the -- as the Baffinland projections. Could I

1 just ask you to confirm that for us?

2 THE CHAIR: Nunavut Tunngavik

3 Incorporated, James Eetoolook.

4 MR. EETOOLOOK: Thank you. Qujannamiik,

5 Iksivauta. Qujannamiik, Mr. Armstrong.

6 Thank you, Madam Chair, and I'm going to let
7 our land (INDISCERNIBLE) respond to royalties. They
8 are responsible for price to project if ore -- when the
9 Phase 2 project proceeds on our expectations of
10 royalties from the mine.

11 But, first of all, I'd like to state -- and Inuit
12 also want to use the land for their cultural purposes,
13 and they wish to preserve the environment. Although we
14 keep hearing about royalties and how much money you can
15 make off the employment opportunity, but, on the other
16 hand, Inuit are very protective of the land because
17 it's their food, and it's their culture and
18 preservation of their land. So I'm going to let
19 our land (INDISCERNIBLE) respond to that.

20 THE CHAIR: Carson Gillis.

21 MR. GILLIS: Carson Gillis, NTI. Thank
22 you, Madam Chair.

23 The answer -- short answer is yes. Our financial
24 royalty estimates, projected royalties, were consistent
25 with the projected royalty stated by Baffinland in
26 their documentation.

1 THE CHAIR: Is that the end of your
2 response?

3 MR. GILLIS: Yes. Sorry.

4 THE CHAIR: When you guys don't say "thank
5 you" at the end, I don't know if you're done speaking
6 or not.

7 MR. GILLIS: Okay. Thank you, Madam Chair.

8 THE CHAIR: Baffinland, Brad Armstrong.

9 MR. ARMSTRONG: Thank you, Madam Chair. Brad
10 Armstrong.

11 And just a quick follow-up for Mr. Gillis. We
12 have heard from the Nunavut Tunngavik Incorporation
13 that so far they haven't received royalties, and I just
14 wanted to confirm that that is because the royalty
15 payments that go to the Nunavut Tunngavik Incorporated,
16 these are the -- what historically the royalties which
17 went to the Crown but now go to the Nunavut Tunngavik
18 Incorporation.

19 And they're structured differently than the
20 royalties payable to the Qikiqtani Inuit Association,
21 and that is just -- Mr. Gillis, if you could just
22 confirm for us: Under the Crown royalty structure,
23 there's a period of time in which the company's costs
24 are recovered, and then once those are recovered, the
25 royalty rate is about -- is about 12 or 13 percent or
26 so of the -- of the net revenues going forward. Can

1 you just confirm, Mr. Gillis, that that is a reasonably
2 accurate summary of how -- of how the Crown royalty
3 structure works? Thank you, Madam Chair.

4 THE CHAIR: Nunavut Tunngavik
5 Incorporated, Carson Gillis.

6 MR. GILLIS: Carson Gillis, NTI.

7 That's correct that Baffinland's Deposit Number 1
8 at the Mary River mine is located on Inuit-owned lands,
9 Parcel PI-17. The surface lands are held and managed
10 by the QIA, and the mineral title is held by NTI.

11 However, NTI does not have an exploration
12 agreement or production lease with Baffinland for
13 Deposit Number 1 at the Mary River mine. Baffinland's
14 Deposit Number 1 at Mary River mine is subject to a
15 Government of Canada grandfathered mineral lease. The
16 number is 2484. Baffinland's Deposit Number 1 at Mary
17 River is subject to a Government of Canada
18 administration and royalty in accordance with the
19 Nunavut mining regulations.

20 So any future royalties at Mary River will be
21 calculated and collected by the Government of Canada
22 and forwarded to NTI, and NTI has not collected a
23 royalty for Mary River to date, and the -- the -- the
24 Nunavut mining regulations, the federal royalty system,
25 allows a mining operation to deduct all of its
26 construction costs and operating costs before it pays a

1 royalty.

2 A royalty is only paid during the -- when all of
3 the expenses have been paid and -- and a profit is
4 realized. The -- the royalty rate is on a sliding
5 scale of -- between zero and 14 percent depending on
6 the level of profitability of the mine and zero at --
7 zero -- starting at zero, and at around \$45 million
8 level of profit, about a 14 percent royalty will be
9 paid. So on average, yes, you can call it a 13 percent
10 royalty throughout the life of the mine. Thank you,
11 Madam Chair.

12 THE CHAIR: Baffinland, Brad Armstrong.

13 MR. ARMSTRONG: Thank you, Madam Chair. And
14 just -- this is the last question for the Nunavut
15 Tunngavik Incorporated.

16 And that is -- we understand that these royalties
17 are in the future, but does the Nunavut Tunngavik
18 Incorporated have any -- any policies or plans for how
19 they would -- how they would use those funds when
20 they -- when they are -- when they are received in
21 the -- in the future? Thank you, Madam Chair.

22 THE CHAIR: Nunavut Tunngavik
23 Incorporated, James Eetoolook.

24 MR. EETOOLOOK: James Eetoolook, Tunngavik.

25 Dave Kunuk is going to answer.

26 THE CHAIR: David Kunuk.

1 MR. KUNUK: Qujannamiik, Iksivauta.

2 For the royalties are being worked at today. From
3 other mining companies also we're getting royalties.
4 It will be -- it's up to a hundred million, and for the
5 those that will be helping the future generations, but
6 when we're trying to increase the amount with interest,
7 we're not sure yet when we are going to discuss them.
8 And, particularly, royalties from Baffinland if Phase 2
9 goes ahead, we would be getting more royalties I'm
10 sure. We're not sure yet how much it will be
11 to (INDISCERNIBLE) this early. Thank you, Madam
12 Chairperson.

13 THE CHAIR: Baffinland, Brad Armstrong.
14 Baffinland Iron Mines Corporation Questions Qikiqtani
15 Inuit Association and Oceans North

16 MR. ARMSTRONG: Thank you, Madam Chair. Brad
17 Armstrong, legal counsel for Baffinland.

18 I would like to turn now -- Madam Chair, we have
19 some questions now for the Qikiqtani -- sorry, for the
20 QIA, if I could turn to, I think, probably
21 Mr. Ottenhof.

22 We just wanted to ask you some questions about
23 the QIA consideration of Phase 2 and the commitments
24 that you are able to secure from Baffinland under the
25 Inuit Certainty Agreement and then how your position
26 has changed over time.

1 Just to go back in chronology, at the first public
2 hearing session in 2019, you had a number of unresolved
3 issues, and just to confirm -- I think this is for
4 Mr. Ottenhof, but at that November 2019 hearing, I
5 think you agreed with the Nunavut Tunngavik motion to
6 adjourn the hearing because more work needed to be done
7 to resolve issues. Can I just confirm that was the
8 position of the QIA at that time?

9 Thank you, Madam Chair.

10 THE CHAIR: Qikiqtani Inuit Association,
11 Jared Ottenhof.

12 MR. OTTENHOF: Thank you, Madam Chair. Jared
13 Ottenhof for Qikiqtani Inuit Association.

14 I'd like to turn it over to our legal counsel,
15 Lorraine Land. Thank you very much.

16 THE CHAIR: Lorraine Land.

17 MS. LAND: Hello. Are you able to hear
18 me?

19 THE CHAIR: Yes. You may proceed.

20 MS. LAND: Thank you.

21 Yes. At the time of the November 2019 hearing,
22 there were a number of unresolved technical concerns
23 that QIA had, and those remaining technical concerns
24 would have been resolved if the proposed Inuit
25 Certainty Agreement structures like the Inuit
26 committee, the -- and the other structures as well as

1 the culture, resources, and land-use assessment and
2 monitoring and adaptive management approach were
3 accepted by the Inuit committees and if those
4 structures were successfully implemented and reflected
5 in strong project terms and conditions.

6 However, as the evidence in the past phases of the
7 hearings showed, particularly in September and January,
8 and as QIA's engagement with the impacted communities
9 showed, the Inuit Certainty Agreement structures
10 mentioned do not yet adequately address the scope of
11 concerns (INTERPRETER BELL) being raised by the --

12 THE CHAIR: Ms. Land.

13 MS. LAND: -- impacted -- yes.

14 THE CHAIR: Please slow down and pause
15 between sentences.

16 MS. LAND: Yes. I'm sorry. I apologize.

17 So as I was saying, the evidence from the past
18 phases of the hearings and QIA's own engagement with
19 the impacted communities showed that the proposed Inuit
20 Certainty Agreement structures do not adequately
21 address the scope of concerns of the impacted
22 communities yet, particularly in view of unresolved
23 issues and concerns like dust impacts and narwhal
24 population declines and other impacts.

25 So, therefore, the QIA board decided not to
26 support the current project proposal, and that means

1 that a number of those technical concerns remained
2 outstanding in this process. Thank you.

3 THE CHAIR: Baffinland, Brad Armstrong.

4 MR. ARMSTRONG: Thank you, Madam Chair. Brad
5 Armstrong, legal counsel for Baffinland.

6 I just wanted to walk through the process between
7 how we got from the November 2019 hearing and up until
8 today. So for the Qikiqtani Inuit Association, when
9 the hearing was adjourned in November 2019, the Board
10 encouraged all parties to use the pause in the process
11 to continue working together to review technical
12 aspects, et cetera, and I just wanted to confirm that
13 in that pause the Qikiqtani Inuit Association did
14 work with Baffinland, and that resulted in the Inuit
15 Certainty Agreement signed in June of 2020.

16 And at the time that agreement was signed, it's
17 our understanding that the board of directors of the
18 Qikiqtani Inuit Association supported the agreement
19 and authorized the president of the Qikiqtani Inuit
20 Association to sign the Inuit Certainty Agreement.
21 Could I just have confirmation that I have -- what I
22 have stated is correct?

23 THE CHAIR: Qikiqtani Inuit Association,
24 Jared Ottenhof.

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

1 That is correct that QIA or Qikiqtani Inuit
2 Association did continue to work with Baffinland to
3 narrow the gap of our remaining issues. This did
4 result in the Inuit Certainty Agreement being entered
5 into by the Qikiqtani Inuit Association and Baffinland.

6 However, in that agreement, there was a space
7 created for the Qikiqtani Inuit Association to engage
8 with the impacted communities to determine whether or
9 not there's consensus that the provisions in the
10 agreement are enough to support the project.

11 And QIA, as a designated Inuit organization,
12 convened their board representing the impacted
13 communities and decided that it was not sufficient to
14 support the Phase 2 proposal. Thank you.

15 THE CHAIR: Baffinland, Brad Armstrong.

16 MR. ARMSTRONG: Thank you, Madam Chair. Brad
17 Armstrong.

18 Yes. Thank you, Mr. Ottenhof. And I just want to
19 explore with you where things stand and potentially
20 how the gap between resolving these issues under the
21 Inuit Certainty Agreement and the issue of community
22 consensus, what work might be done to close that gap.

23 And I'll go back to -- go back to the time when
24 the Inuit Certainty Agreement was signed and -- which
25 was in June of 2020, and then, Mr. Ottenhof, I'm
26 looking at a letter from you to the executive director

1 of the Nunavut Impact Review Board on July 7, 2020.

2 And in this letter, you first note the Board's
3 encouragement that I talked about earlier to
4 encouraging all parties to use the pause to address
5 issues. And then you say: (as read)

6 The QIA is pleased to advise that QIA and
7 Baffinland have worked diligently to address
8 unresolved issues, and the dialogue resulted
9 in resolution of 48 out of 53 of the
10 technical issues. [And your letter says]
11 While some issues remain unresolved, the --
12 some of the most critical concerns raised by
13 QIA have been resolved.

14 And the letter, I think, importantly outlines some of
15 the -- some of the -- what you call significant
16 technical progress that has been achieved. So it
17 includes -- and these are the bullet points at the
18 bottom of page -- at the first page of the letter --
19 (as read)

20 A proper integration of Inuit
21 Qaujimaqatugangit into the project.

22 [Secondly] A robust Inuit participation in
23 environmental decision-making and project
24 monitoring.

25 I'm going to come back to that issue about how
26 important it is for Inuit monitoring of the project --

1 that is, independent monitoring, independent of
2 Baffinland's -- and environmental decision-making.

3 Because we've heard in the room a number of issues
4 about trust, and that is about trust in the company
5 managing the project, but when you have what you have
6 achieved in the Inuit Certainty Agreement, independent
7 and proactive Inuit monitoring and Inuit-led
8 decision-making under the adaptive management plan, it
9 seems to us that that is bridging the trust issue.
10 Because the -- because through negotiating the ICA, the
11 Inuit are now -- we now have Inuit-led processes, but
12 I'll come back to that.

13 So the third bullet point is: (as read)
14 Joint Baffinland Inuit adaptive management
15 planning [which is similar to what I just
16 said] agreement on significance
17 determinations, and the process for culture,
18 resources, and land-use assessment.

19 And then there's a revised benefit system which
20 prioritizes community direct benefits.

21 So at that time, Mr. Ottenhof, the QIA certainly
22 in -- at that time, so we're in July 2020, the QIA is
23 indicating to the Board -- and there were media
24 releases, and there were summaries of the -- of the
25 agreement issued to communities and -- et cetera. At
26 that time, the Qikiqtani Inuit Association was pleased

1 with what had been achieved in the ICA and felt that it
2 resolved many issues.

3 I think I'm characterizing the position of the
4 Qikiqtani Inuit Association at that time. I'm
5 suggesting to you that I'm fairly characterizing your
6 position as of the summer -- last summer. Can I ask
7 you to comment on that? Thank you, Madam Chair.

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

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

12 I would refer back, again, to 5.6 of the Inuit
13 Certainty Agreement where we did negotiate with
14 Baffinland as the designated Inuit organization on
15 behalf of the impacted communities for many commitments
16 on how to move forward with the project.

17 However, when we went back to the communities and
18 took this proposal to them, we listened to what we
19 heard, and we heard that a lot of these proposals are
20 still too fast and too soon to be progressing with this
21 project.

22 We heard that while commitments to culture,
23 resources, and land-use assessment and monitoring and
24 adaptive management are good, they're still not proven.
25 We haven't seen Baffinland successfully implement
26 adaptive management to date. We don't know if this is

1 going to work, and we heard this continually from the
2 communities.

3 Commitments to monitoring are also good, but it's
4 the mitigation and the protection of the environment
5 that's what -- that's what matters the most. We've
6 heard Baffinland say that if it can't be done in a way
7 that protects the environment, they won't do it. So we
8 don't know if these mitigations are going to work yet.
9 So we're saying the project needs to slow down.

10 The commitments in the Inuit Certainty Agreement
11 implemented in the current project prove the concept,
12 prove the project can be done responsibly, and we can
13 go back to the communities and see if there's a change
14 in acceptance. Thank you.

15 THE CHAIR: Baffinland, Brad Armstrong.

16 MR. ARMSTRONG: Thank you, Madam Chair. Brad
17 Armstrong for Baffinland.

18 Mr. Ottenhof, you've mentioned, I think,
19 Section 5.6 of the agreement which does -- it does talk
20 about achieving adequate consensus with the -- with the
21 communities, and we don't need to go into too much of
22 the detail on the agreement.

23 But in Section 6.1, it talks about following
24 execution of the agreement some things which the
25 Qikiqtani Inuit Association was going to do, and, of
26 course -- and, as you say, that -- one of them was to

1 go back to the communities to see if you could achieve
2 consensus.

3 But in this clause, it says that it -- I'm looking
4 at 6.1 -- it says: (as read)

5 QIA may subsequently request that Baffinland
6 consider mutually acceptable terms and
7 conditions to be added or modified in the
8 agreement where the parties consider it
9 necessary to obtain adequate consensus within
10 the communities.

11 So there's a clause in there saying if there's
12 something that you need to change to help get
13 consensus, then Baffinland is open to discussion. And
14 I just want to confirm with you: It's my understanding
15 that the Qikiqtani Inuit Association never did come
16 back to Baffinland asking for any modifications to help
17 achieve the consensus. Am I right on that? Sorry.

18 Thank you, Madam Chair.

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

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

23 That is correct that we did not provide any
24 modification request to the Inuit Certainty Agreement.
25 However, the time and the amount of work that QIA,
26 Qikiqtani Inuit Association, had to adequately and

1 properly engage with the communities to determine that
2 a level of acceptance and what those changes may be,
3 that time was not adequate.

4 Again, it was rushed and too fast and too soon,
5 and in preparations for these public hearings, QIA had
6 to convene a board meeting and determine what that
7 consensus was in the communities. And in that time
8 that we had, based on the amount of information that
9 the communities had to process and what was proven so
10 far, there was no consensus to support Phase 2. Thank
11 you, Madam Chair.

12 THE CHAIR: Baffinland, Brad Armstrong.

13 MR. ARMSTRONG: Thank you, Madam Chair. Brad
14 Armstrong. And thank you, Mr. Ottenhof.

15 I will be exploring with you further about the
16 question of whether more time is needed to try and
17 achieve the consensus but -- because that clause, as
18 you know, is still open to the Qikiqtani Inuit
19 Association.

20 And the same clause, 6.1, says -- it says:

21 (as read)

22 The parties acknowledge that obtaining a
23 consensus within the communities to support
24 the agreement will also require a QIA and
25 communities --

26 And here the "communities", Mr. Ottenhof, they're the

1 five communities, I think, as defined in the agreement,
2 but: (as read)

3 -- will also require a QIA and communities
4 consensus on the QIA payment of direct
5 benefits to communities.

6 So that's something which both the QIA and Baffinland
7 recognized, that the QIA and the communities needed to
8 reach a consensus on that issue. And I just want to
9 confirm with you. I'm not going to explore with you
10 all of your discussions, but just to confirm you have
11 not -- you haven't reached a consensus on that issue
12 with the communities yet. Can you confirm that?

13 THE CHAIR: Qikiqtani Inuit Association,
14 Jared Ottenhof.

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

17 I'd like to call on my colleague, Stephen
18 Williamson-Bathory, to answer the question. Thank you.

19 THE CHAIR: Stephen Williamson-Bathory.

20 MR. WILLIAMSON-BATHORY: Thank you, Chairperson. Thank
21 you for the question, Mr. Armstrong. Stephen
22 Williamson-Bathory, Qikiqtani Inuit Association.

23 So I'm familiar with that clause, 6.1, as was read
24 out, and I can confirm that QIA and the communities
25 have not come to a consensus on the benefit sharing as
26 referenced, and I can explain for the Board and for

1 their interests we -- we never reached that far with
2 the communities because, as Mr. Ottenhof has explained,
3 the emphasis was first and foremost on environmental
4 protection and comfort and confidence of the
5 communities on the environmental protection measures
6 put forward.

7 And as Mr. Ottenhof has explained earlier in these
8 proceedings, there's still much to do to fulfill the
9 structures and the vision of those environmental
10 provisions of the Inuit Certainty Agreement. That
11 brings us to the point where the financial elements of
12 the agreement remain yet to be worked on with the
13 communities. Qujannamiik, Iksivauta.

14 THE CHAIR: Baffinland, Brad Armstrong.

15 MR. ARMSTRONG: Thank you, Madam Chair. Brad
16 Armstrong for Baffinland, and thank you, Stephen.

17 Mr. Williamson-Bathory, you mentioned working on
18 the structures of -- and the structures include, for
19 instance, the very -- the very important structures of
20 the Inuit Stewardship Plan -- more of a plan than a
21 structure -- the Inuit committee, and the Inuit social
22 oversight committee because we sometimes think about
23 the Inuit Certainty Agreement as primarily concerned
24 with environmental protection, but it also includes
25 adaptive management, for instance.

26 It also applies to socio-economic factors,

1 et cetera, but -- so one of the challenges that the
2 Qikiqtani Inuit Association had was developing these
3 structures, and we are not going to ask you for details
4 about those structures because that's internal to the
5 Qikiqtani Inuit Association.

6 But have you -- have you moved forward with those
7 structures? Have you thought about when you're setting
8 up the Inuit committee -- for instance, when you're
9 setting up the Inuit committee, you would need things
10 like terms of reference and membership, et cetera.
11 Have you made progress or were you able to make
12 progress on -- on those structural issues in the
13 consultations with the communities? Thank you, Madam
14 Chair.

15 THE CHAIR: Qikiqtani Inuit Association,
16 Jared Ottenhof.

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

19 I'll have to defer a response to that for now.
20 Our colleague will have to provide that information as
21 it's our department of Inuit Qaujimajatuqangit and
22 engagement who is taking care of those aspects. Thank
23 you.

24 THE CHAIR: Baffinland, Brad Armstrong.

25 MR. ARMSTRONG: Thank you, Madam Chair. Brad
26 Armstrong.

1 And, of course, Mr. Ottenhof, I'm not going to ask
2 you details about those, but I just was asking about
3 whether you had made some progress on those issues
4 because from our perspective, those seem like
5 procedural or structural issues which should be able to
6 be resolved, but let me -- let me just move forward.

7 So just moving forward in the -- on the timeline,
8 when we got to the hearing in January and February,
9 the -- at that time, the Qikiqtani Inuit Association
10 was still positive about the Inuit Certainty Agreement
11 and had -- and in your presentation indicated that most
12 of the technical issues had been resolved.

13 And just to quote a little bit just to remind you
14 in the transcript of -- and this is at -- on February 4
15 at page 1751. I believe it's Mr. Ottenhof who is
16 speaking, and there it says importantly: (as read)

17 Through commitments made by the proponent,
18 Baffinland, we are now confident that should
19 those commitments be fully and properly
20 implemented should the project proceed, the
21 Mary River project will have a proper
22 Inuit-led process for integration of Inuit
23 Qaujimaqatunangit, and Inuit values and
24 perspectives will be reflected in all aspects
25 of project planning, monitoring, and
26 management, including adaptive management

1 ensuring the community members are actively
2 engaged.

3 So a very positive statement made only a few months ago
4 in February to the Board, and then it seems that
5 something happened with your attempts at consensus with
6 the communities.

7 Obviously work needs to be done more on the
8 structures. Work needs to be done more on consensus
9 with respect to direct benefits. More work may be done
10 on -- in terms of how the company will implement
11 adaptive management.

12 But even when we get to -- we know that in March,
13 March 5, I believe, the Qikiqtani Inuit Association
14 issued a letter to the Board indicating that the Board
15 no longer supported the project. But even in this
16 session of the -- of the Board's public review,
17 Mr. Ottenhof, you have said a number of times -- I'm
18 just going to quote. One statement which you made --
19 and this is -- I believe this is -- you made this
20 statement in your presentation here but also in
21 response to questions asked by other intervenors,
22 and you said that: (as read)

23 The QIA still believes that the type of
24 solutions proposed in the ICA are relevant to
25 the existing operations of the mine and any
26 expansion, but trust is needed in order to

1 further develop them.

2 So the Qikiqtani -- you're saying the Qikiqtani Inuit
3 Association still believes in these structures both for
4 current project and expansion, trust is needed for
5 further development, and then in response to some of
6 our written questions, the Qikiqtani Inuit Association
7 says that if the project is approved, the association
8 remains committed to implementation of these structures
9 and basically implementation of the ICA. It might need
10 a bit of modification.

11 But putting these statements together, the
12 Qikiqtani Inuit Association still believes in the
13 structure and has said to the Board that if the Board
14 approves the project, the Qikiqtani Inuit Association
15 would continue to work with Baffinland to implement
16 these commitments.

17 And so you would establish your structures like
18 the Inuit Stewardship Plan, the Inuit committee, the
19 Inuit social oversight committee, work with Baffinland.
20 We've seen that Baffinland has put forward what are at
21 least initial thresholds and mitigation tool kits. We
22 know that they still need refinement, and they need
23 response from the Qikiqtani Inuit Association.

24 But it seems like the Inuit Certainty Agreement
25 still provides a reasonably good platform for moving
26 forward and working together to find a structure which

1 very much integrates Inuit decision-making along with
2 the company if -- if the Board approves the project.

3 I'm just going to leave that summary with you and
4 ask you to comment on that. Isn't that reasonable to
5 expect that these issues actually with some more
6 time -- because, Mr. Ottenhof, you said -- and we
7 understand time is short, and we're all in the midst
8 of very tight constraints. But we see in this the --
9 potentially a foundation for actually moving forward
10 together.

11 And when I was asking questions of the GN, the
12 Government of Nunavut -- I'm sorry -- they talked about
13 the benefits but with the hope that the parties could
14 work together to resolve the other side of the coin,
15 which is to ensure protection of the environment and
16 protection of socio-economics.

17 So is it fair to say that the Qikiqtani Inuit
18 Association still believes in the structure generally?
19 And just to get you to confirm that you would work to
20 implement these provisions if the project is approved.
21 Thank you, Madam Chair.

22 THE CHAIR: Qikiqtani Inuit Association,
23 Jared Ottenhof.

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

26 In our engagement with communities following the

1 signing of Inuit Certainty Agreement, we heard from
2 communities that they're not comfortable with some of
3 the structures that are in the ICA -- Inuit Certainty
4 Agreement. Apologies.

5 So to reiterate previous points, we will continue
6 to work with Baffinland to find solutions on
7 environmental issues. However, many of these
8 structures are still unproven. We approach this final
9 hearing planning to be the final days of this year --
10 multiyear-long review, and we don't have established
11 objectives, indicators, thresholds, and responses from
12 the communities. We're relying on observations from a
13 project that's having significant impacts, unmitigated
14 significant impacts in some cases.

15 What we hear from the community is that they're
16 not confident that some of these structures will work
17 with an expanded project. So, again, this is happening
18 in a very short time span. There needs to be more time
19 for some of these Inuit Certainty Agreement structures
20 to be implemented in a lower impact project than one
21 that's about to double to 12 million tonnes per year.
22 Thank you, Madam Chair.

23 THE CHAIR: Baffinland, Brad Armstrong.

24 MR. ARMSTRONG: Thank you, Madam Chair. Brad
25 Armstrong, legal counsel for Baffinland.

26 And that's an issue that I'd like to discuss with

1 you, about proving up these structures and adaptive
2 management because as you know, Mr. Ottenhof, the Inuit
3 Certainty Agreement, while it talks about these
4 structures and adaptive management for Phase 2, it does
5 provide that the structures and adaptive management, if
6 they're -- if the processes are agreed on, will apply
7 to the existing operation.

8 And so in terms of of establishing the processes
9 and actually working with them to see that they work,
10 if the project is approved, isn't it true that you
11 would be able to establish the Inuit organizations, the
12 Inuit committee, and the plan, the -- and both
13 committees and adaptive management, and that could be
14 in place for the next -- at least the next three
15 shipping seasons, that is, 2021, 2022, 2023.

16 And so when I go back to your statement that you
17 still believe that -- and I shouldn't say "you",
18 Mr. Ottenhof. It's not personal. But the Qikiqtani
19 Inuit Association still believes in these structures
20 both for the current project and for expansions, if the
21 parties get together, if the project is approved, then
22 you can establish the Inuit Stewardship Plan, the Inuit
23 committees, seek to achieve consensus amongst the
24 communities because one of the motivations you had, I
25 think, on the Inuit Certainty Agreement was you were
26 concerned the project might get approved without all

1 this adaptive management, and so you worked hard at
2 getting those commitments from the company.

3 But isn't there time, then, under this structure,
4 if the project is approved -- it actually requires the
5 application of adaptive management to the existing
6 project. So all of these provisions don't apply to the
7 existing project right now, but it would apply to the
8 existing project over the next three years before
9 the -- before Phase 2 goes into full operation, and
10 then you've got a track record.

11 You've worked with the company. You've hopefully
12 established that trust relationship, that there's
13 joint -- you've got your -- you have the Inuit
14 independent monitoring, thresholds established,
15 mitigation measures, and you've seen in the tool kit
16 how significant those mitigation measures, I think,
17 with this project in terms of shipping, et cetera.

18 So I'm suggesting to you that if the project is
19 approved and you're talking about time to do these
20 things, isn't that just a perfect scenario to establish
21 these structures and get adaptive management up and
22 running right now in advance of any -- of the expansion
23 for Phase 2? Thank you, Madam Chair.

24 THE CHAIR: We'll take a break until 8:10.

25 (ADJOURNMENT)

26 THE CHAIR: Welcome back, everyone.

1 Continuing with questions from Baffinland to
2 registered intervenors. Response from Qikiqtani Inuit
3 Association, Jared Ottenhof.

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

6 Baffinland just referred to the Inuit Certainty
7 Agreement as a perfect scenario. It's quite the
8 opposite. The Inuit Certainty Agreement mandates a
9 large body of work that should have been done and which
10 is required by the Nunavut Impact Review Board
11 guidelines for the final environmental impact
12 statement.

13 The Qikiqtani Inuit Association attempted to
14 ensure that this was addressed because of the risks of
15 project approval without these gaps being addressed,
16 but efforts towards the 11th hour of this review has
17 not worked. This exchange so far is attempting to
18 paint QIA -- or paint this as an issue of whether or
19 not Qikiqtani Inuit Association is satisfied with an
20 agreement rather than focusing on the impacts of the
21 environment and what we're here to assess and the weak
22 mitigations to date.

23 If we proceeded with the plan you just described,
24 Inuit bear all of the risk. Many of the impact
25 pathways end at the doorsteps of Inuit on food
26 security -- or food insecurity, effects on Inuit

1 culture and traditional way of life. Baffinland gets a
2 12-million-tonne project, while Inuit experience the
3 effects without proven mitigations.

4 You mentioned a gradual ramp-up. The ramp-up as
5 proposed -- the ramp-up proposed is to what is
6 permitted, not what's actually happening. During the
7 construction period, the only effects experienced and
8 tested by the Inuit Certainty Agreement commitments
9 will be construction. At the end of the construction
10 phase, by your timeline, Baffinland will be able to
11 ship 10.5 million tonnes per year. That's not a
12 ramp-up from 6. That's a jump from 6 to 10.5. These
13 mitigations will not be tested adequately.

14 If these unproven mitigations do not work with
15 thresholds and responses that are not yet defined, will
16 Baffinland be willing to scale back to 4.2 million
17 tonnes per year, if that's the only project that Inuit
18 will accept? If adaptive management says that's what
19 you must scale back to operate this project
20 environmentally responsibly, will Baffinland do it? We
21 haven't heard that commitment yet.

22 I'll now turn it over to Stephen Williamson-Bathory
23 for further comments. Thank you.

24 THE CHAIR: Stephen Williamson-Bathory.

25 MR. WILLIAMSON-BATHORY: Qujannamiik, Iksivauta.

26 For the sake of the Board and the participants in

1 the session, I think it's absolutely critical that we
2 work to reframe the way Mr. Armstrong had characterized
3 the Inuit Certainty Agreement.

4 Read from the perspective of the proponent and as
5 explained by Mr. Armstrong, all of these commitments
6 would occur provided this Board approves this
7 application and Phase 2 is developed.

8 From the Inuit perspective, the Inuit Certainty
9 Agreement was created to lay evidence before Inuit
10 decision-makers working through an Inuit governance
11 process that would allow Inuit to make an informed
12 decision as to whether or not they felt they could
13 support the Phase 2 proposal with all relevant facts
14 and information provided.

15 QIA worked extensively with communities to have
16 long and very hard, impassioned discussions about
17 whether or not the proposal, as presented by the
18 proponent, should move forward in its current form and
19 whether or not the Inuit Certainty Agreement offers the
20 type of confidence and inspiration that would inspire
21 Inuit to support a shared vision of the future.

22 Mr. Armstrong correctly points that there is now a
23 QIA board position on the Phase 2 proposal. In
24 January, February, and March 2021, QIA held four
25 independent board meetings of our 16-member board of
26 elected Inuit representatives from every community in

1 the region. After those four meetings, which were
2 specifically scheduled around the NIRB process to allow
3 for representations from every impacted community to be
4 brought forward, the QIA board unanimously voted to not
5 support the Phase 2 proposal in its current form
6 despite the commitments found within the Inuit
7 Certainty Agreement.

8 So I raise these points in stark and what I hope
9 is dramatic contrast to what Mr. Armstrong was alluding
10 to, that there is time to work these things out. But
11 from Baffinland's perspective, there is only time to
12 work these things out provided Phase 2 proceeds.

13 There is evidence within the Inuit Certainty
14 Agreement, that I won't get into in great detail, that
15 suggests that if Phase 2 does not proceed, Baffinland's
16 commitments to the Inuit committee -- the Inuit social
17 oversight committee and the adaptive management plan
18 would actually be completely abandoned.

19 Once again, I want to draw attention to the fact
20 that you will continue to hear representations as we go
21 through the community roundtable from very impassioned
22 Inuit who have spent countless hours looking at the
23 proposal, and the communities will speak for themselves
24 on these matters. These are the voices that have
25 guided QIA's decision-making process, and these are the
26 voices that we hope the Board commits to listening to

1 when making recommendations on the proposal.

2 Qujannamiik, Iksivauta.

3 THE CHAIR: Baffinland, Brad Armstrong.

4 MR. ARMSTRONG: Thank you, Madam Chair. Brad
5 Armstrong, legal counsel.

6 I'm just going to briefly respond to the
7 statements made by Mr. Ottenhof and Mr. Williamson-Bathory.

8 Mr. Ottenhof indicates that the only thing that
9 would be monitored between now and Phase 2 is the
10 construction of Phase 2, and that's not right.
11 Adaptive management would apply to the existing
12 project.

13 And Mr. Ottenhof says the risk is all with the
14 Inuit. The draft adaptive management plan
15 acknowledges -- it says this: (as read)

16 Baffinland agrees to sharing the risks and
17 burdens of project impacts.

18 And we've heard from Baffinland about reducing activity
19 levels to protect the environment. So it is not true
20 to say it would only apply to construction and the
21 risks are all on the other side.

22 Mr. Williamson-Bathory is right, and the Board
23 should know that there's a schedule in the Inuit
24 Certainty Agreement about what commitments survive if
25 the agreement is terminated, and the adaptive
26 management plan is in Schedule ID.2 of the Inuit

1 Certainty Agreement, and Schedule C says: (as read)

2 In the event of ICA termination, no schedule

3 ID.2 obligations would remain.

4 So that's what Mr. Williamson-Bathory said.

5 So the proposition I was putting to the Qikiqtani
6 Inuit Association is that approval of the project would
7 enable adaptive management to be implemented starting
8 right away on the existing project and carry forward,
9 and we recognize, as does the Qikiqtani Inuit
10 Association, that there is work to be done to
11 implement -- to implement the agreement, and I've
12 already pointed out that the Qikiqtani Inuit
13 Association still believes in the structure, et cetera.
14 So I'll leave it at that on that issue.

15 I'll just ask one more point of Mr. Ottenhof. You
16 have seen in Appendix 12 of the package -- the
17 Baffinland package in response to written questions in
18 Appendix 12 there are what are called "initial
19 indicators, thresholds, and mitigation tool kits", and
20 those have been prepared by Baffinland, presented to
21 the Qikiqtani Inuit Association. I understand that the
22 association agreed that those could be placed before
23 the Board. Where are you? Where is the Qikiqtani
24 Inuit Association with respect to a review of those
25 thresholds and indicators and tool kits? Are you still
26 working on that? Do you -- are you -- are you engaged

1 in developing indicators and thresholds and mitigation
2 tool kits on your side of the table?

3 Thank you, Madam Chair.

4 THE CHAIR: Qikiqtani Inuit Association,
5 Jared Ottenhof.

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

8 We do have the adaptive management plan working
9 group with Baffinland through the Inuit Certainty
10 Agreement to develop the initial objectives,
11 indicators, thresholds, and responses. To date, I
12 believe that we have gone through two plans in their
13 entirety, where we provided comments back to
14 Baffinland. We did not see feedback from Baffinland on
15 our final comments back, and they appeared on the
16 Nunavut Impact Review Board record a short time ago.

17 But these are not the objectives, indicators,
18 thresholds, and responses that are most important. I
19 mentioned before that we're maybe 25 percent done that
20 process. These are Baffinland plans that we're
21 reviewing, so we need to receive them from Baffinland
22 to review. So we're hampered by that timeline.

23 But the intent of those commitments is to be able
24 to go to communities to determine what their
25 objectives, indicators, thresholds, and responses are.
26 I mentioned earlier today that -- or perhaps

1 yesterday -- it's been a long two days -- that's at
2 zero percent. We have not established those yet, and
3 that is the key focus of the adaptive management plan
4 that's envisioned by the ICA, Inuit Certainty
5 Agreement.

6 Thank you, Madam Chair.

7 THE CHAIR: Baffinland, Brad Armstrong.

8 MR. ARMSTRONG: Thank you, Madam Chair. Brad
9 Armstrong for Baffinland.

10 Mr. Ottenhof, there certainly would be time to
11 develop indicators, thresholds, and responses over the
12 next three years, wouldn't there?

13 Thank you, Madam Chair.

14 THE CHAIR: Qikiqtani Inuit Association,
15 Jared Ottenhof.

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

18 It's taken six years to get here. I can't confirm
19 that we would get them done in three years. I think
20 it's quite apparent that Baffinland has lost the
21 community's trust, and it's difficult to work with
22 community knowledge holders on a project that's not
23 supported as well. Having that level of interaction
24 and engagement is often difficult to manage to get the
25 results that Baffinland would need to have a successful
26 adaptive management plan.

1 So to say that they can definitely be
2 accomplished, I couldn't say that. And, again, we
3 would want to see these objectives, indicators,
4 thresholds, and responses in action with several years
5 of data being collected prior to any sort of project
6 expansion to show that what the communities have said
7 and what western science says actually matches what's
8 being predicted for the project.

9 Thank you, Madam Chair.

10 THE CHAIR: Baffinland, Brad Armstrong.

11 MR. ARMSTRONG: Thank you, Madam Chair. Brad
12 Armstrong for Baffinland.

13 But, Mr. Ottenhof, it sounds like there's no
14 urgency on -- on your side here, and the -- when the
15 agreement was signed, the understanding was to -- to
16 move forward quickly with indicators and thresholds, in
17 fact by August of 2021. Are you saying it's not
18 urgent, and it's just too difficult for you to --
19 Baffinland has come up with indicators and thresholds.
20 Are you saying it's just too difficult on your side to
21 identify -- to confirm whether those ones are okay or
22 identify your own? It sounds like it's not urgent for
23 you, but I -- I'm not sure about that.

24 Thank you, Madam Chair.

25 THE CHAIR: Qikiqtani Inuit Association,
26 Jared Ottenhof.

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

3 I'll turn it to Stephen Williamson-Bathory for a
4 response. Thank you.

5 THE CHAIR: Stephen Williamson-Bathory.

6 MR. WILLIAMSON-BATHORY: Qujannamiik, Iksivauta.

7 Stephen Williamson-Bathory, Qikiqtani Inuit
8 Association.

9 I think, again, for the sake of the Board we'll
10 frame this around what QIA has committed itself to do,
11 which is to conduct a culture, resource, and land-use
12 assessment of the current project and the proposed
13 project. And so the concept for this work and what we
14 believe would be the requirement from this work harkens
15 back to when the hearing process was suspended in 2019.
16 And we believe that this work is fundamental and
17 critical to being able to effectively manage the
18 project in whatever state the project exists, and so
19 today, we have a project at 6 million tonnes, and this
20 work remains to be done.

21 Since the Inuit Certainty Agreement was signed,
22 there's obviously been a lot that all parties have had
23 to manage around and live with, the pandemic, a very
24 extended hearing process, civil actions, and heightened
25 attention on current project activities and their
26 impacts.

1 As you can very well imagine, and the Board
2 members who are now reconvening for the third time in
3 recent history, that all takes a lot of time and
4 attention, and so there have been some inevitable
5 consequences where certain meetings with communities
6 had to be delayed or suspended, but QIA is continuing
7 to do that work and would like to bring that
8 information forward.

9 Our staff will continue to travel, for instance,
10 in several weeks time, to Mittimatalik to complete an
11 Inuit Qaujimagatuqangit project on the impacts that
12 dust is having from the current project. And so we
13 remain committed to the work, but obviously we're
14 working through a process that has also demanded a lot
15 of time from a lot of people, and so to do this
16 authentically, it does take time. It takes commitment.
17 It takes trust, and it takes willingness, and all of
18 those have been challenged as a result of this Phase 2
19 proposal.

20 Qujannamiik, Iksivauta.

21 THE CHAIR: Baffinland, Brad Armstrong.

22 MR. ARMSTRONG: Thank you, Madam Chair, Brad
23 Armstrong for Baffinland.

24 I just have a few more questions, and they're
25 actually on a different topic, and this goes back to
26 some of the questions we had and the responses from the

1 Government of Nunavut about -- about the opportunities
2 provided by projects such as -- such as Phase 2.

3 In a 2018 report of the Qikiqtani Inuit
4 Association -- it was on marine-based harvesting, and
5 there's an indication in that report, a recognition
6 that -- and I'm quoting a sentence from the report. It
7 says: (as read)

8 Nunavut needs more and a greater diversity of
9 jobs in the wage economy to afford the cost
10 of harvesting.

11 And I think we heard from the Government of Nunavut
12 that in fact opportunities in the wage economy can
13 actually support and enhance the -- the traditional --
14 traditional harvesting as well. Could you --

15 I'm just waiting, Madam Chair, because the Panel
16 is conferring. Thank you, Madam Chair.

17 I was just asking if you could confirm that it is
18 the understanding of the Qikiqtani Inuit Association
19 that in fact participation in the wage economy can, in
20 some ways, actually provide support for and they can
21 work together with traditional harvesting because
22 traditional harvesting, as indicated in your report, is
23 very expensive. It's expensive to purchase the
24 equipment, the boats, the snow machines, et cetera.
25 And as the Government of Nunavut was saying, it
26 actually -- when there is more income from the wage

1 economy, that can actually support the traditional
2 harvesting as well.

3 Could I just ask for your confirmation that that
4 is your understanding as well, that these two parts of
5 the economy can work well together?

6 Thank you, Madam Chair.

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

9 MR. OTTENHOF: Thank you, Madam Chair. Jared
10 Ottenhof for the Qikiqtani Inuit Association. I'd like
11 to pass it to Stephen Williamson-Bathory. Thank you.

12 THE CHAIR: Stephen Williamson-Bathory.

13 MR. WILLIAMSON-BATHORY: Qujannamiik, Iksivauta.

14 And not being totally familiar with the exact
15 reference that has been brought forward, I do recall it
16 was a 2018 document and the discussion is around QIA's
17 views on a mixed economy. And so it's actually very
18 helpful to frame this from 2018 until today. QIA has
19 since published several documents around its vision for
20 economic development in Nunavut. This -- these
21 documents speak to a mixed economy approach. Those
22 documents were critical and have been foundational in
23 QIA's work on Tallurutiup Imanga, which has brought a
24 number of jobs to communities in the high Arctic.

25 This has seen infrastructure developed and a
26 philosophy of enhancing what we call Inuit food

1 sovereignty in these communities.

2 QIA has extended its work into the fisheries
3 sector, and QIA has also continued, during the same
4 time period, to implement the current Mary River Inuit
5 impact and benefit agreement. And so our experience
6 with the Mary River Inuit impact and benefit agreement
7 suggests there still remains substantial effort
8 required for Inuit to reach the potential benefits that
9 Baffinland had first proposed when the project was
10 approved and that Baffinland continues to propose under
11 this Phase 2 proposal.

12 For context, since the project was approved in
13 2013, we have yet to hit the minimum Inuit employment
14 goal of 25 percent. We've taken a number of different
15 strategies and a number of different approaches to get
16 there, including winning a national grant of which 400
17 other applicants applied, that has seen close to
18 \$18 million invested specifically for training in these
19 impacted communities since 2018. We still haven't hit
20 the minimum Inuit employment goal.

21 And so while we would agree the mixed economy and
22 mining can play a part in the economic opportunities of
23 the region specific to employment -- I think is where
24 Mr. Armstrong was leading -- we feel we have yet to see
25 the potential of Mary River fulfilled.

26 And so, again, we're asking ourselves, does a

1 larger project with promises of many more jobs align
2 with the reality we see today? Does it align with the
3 structures and processes we have in place today? And
4 do we feel confident we will achieve that potential?

5 So we have put our interests -- and we have
6 expressed this publicly in many venues, and I think I
7 would encourage the proponent to look at QIA's
8 representations more wholistically than this one
9 document they have referenced.

10 Qujannamiik, Iksivauta.

11 THE CHAIR: Baffinland, Brad Armstrong.

12 MR. ARMSTRONG: Thank you, Madam Chair. Brad
13 Armstrong for Baffinland. Those are all the questions
14 we have for the Qikiqtani Inuit Association.

15 I do have a few questions for Mr. Jones, the --
16 one of the experts for Oceans North, if Mr. Jones is
17 available this evening.

18 Thank you, Madam Chair.

19 THE CHAIR: Oceans North, Joshua Jones.

20 Are you present? Oceans North, Christopher Debicki?

21 MR. DEBICKI: Thank you, Chairperson.

22 Mr. Jones has been available all day, and I'm just
23 confirming that he is presently available.

24 THE CHAIR: Oceans North, Christopher

25 Debicki, Joshua Jones just raised his hand in Zoom, so

26 he is present.

1 Baffinland, Brad Armstrong.

2 MR. ARMSTRONG: Thank you, Madam Chair. Brad
3 Armstrong for Baffinland.

4 Dr. Jones, I'm hoping you can hear me. We just
5 wanted to follow up on one of the written questions we
6 had, just to confirm that the field work that you did
7 in Eclipse Sound was -- was limited to measuring
8 underwater sound. You didn't actually do your own
9 field work to study narwhal responses to shipping. Can
10 you just confirm that for us, please?

11 Thank you, Madam Chair.

12 THE CHAIR: Oceans North, Joshua Jones.

13 DR. JONES: Thank you, Madam Chair. Can
14 you hear me okay?

15 THE CHAIR: Yes. You may proceed.

16 DR. JONES: Okay. Yes, Mr. Armstrong,
17 thank you for the question.

18 I can confirm that the scope of the research
19 conducted by the Scripps Institution of Oceanography in
20 Eclipse Sound has been the autonomous recording and
21 measurement of underwater sound.

22 Thank you, Madam Chair.

23 THE CHAIR: Baffinland, Brad Armstrong.

24 MR. ARMSTRONG: Thank you, Madam Chair. Brad
25 Armstrong for Baffinland.

26 Dr. Jones, can you just confirm when were you last

1 in Eclipse Sound for those studies?

2 Thank you, Madam Chair.

3 THE CHAIR: Oceans North, Joshua Jones.

4 DR. JONES: Thank you, Madam Chair. Josh
5 Jones, Scripps Institution of Oceanography.

6 The last time that I was personally present in
7 Pond Inlet was when we -- I suppose it was -- we've
8 kind of lost a year here, but it would have been in
9 2019 in September. We've continued to record
10 underwater sound at both of our recording locations
11 through the technical expertise of Alex Ootoowak, who
12 is a resident of Pond Inlet and a trained technician in
13 the deployment and recovery of our instruments.

14 Thank you, Madam Chair.

15 THE CHAIR: Baffinland, Brad Armstrong.

16 MR. ARMSTRONG: Thank you, Madam Chair, and I
17 just have a few questions for Dr. Jones.

18 Dr. Jones, when you made your presentation, you
19 looked at the shipping lane down Eclipse Sound, and
20 then you expanded that shipping lane on each side by up
21 to 5 kilometers to show a long length of area where
22 sound might affect narwhal. And I just want to suggest
23 to you that although we understand what you were --
24 what you were trying to convey there, in fact there
25 is -- there is no time when there is that length of
26 Eclipse Sound with -- with ship sound on 5 kilometres

1 on both sides; that in fact a more realistic depiction
2 would be a ship travelling down Eclipse Sound and
3 around that ship a circle of a kilometre or
4 2 kilometres or 5 kilometres so that the actual area of
5 sound disturbance is a much smaller area than you
6 depicted, and it's a moving area. Could you confirm
7 that -- that that is correct, please? Thank you.

8 THE CHAIR: Oceans North, Joshua Jones.

9 DR. JONES: Thank you, Madam Chair, and
10 thank you, Mr. Armstrong, for your question, and
11 request to clarify.

12 It's true. I did -- for the purpose of
13 illustration, I did extend a line off the shipping
14 route through Milne Inlet to distances that correspond
15 to the distances at which behavioural disturbance of
16 different types has been observed and confirmed through
17 the proponent's tagging programs and through their
18 visual observation at Bruce Head. And that area along
19 the shipping route does appear to be at -- in the slide
20 that you're referring to, a 5-kilometre radius or a
21 10-kilometre-wide area of potential disturbance.

22 And while I would agree that in the instant -- in
23 an instant when a ship is in one location emitting
24 noise, there appears to be from the proponent's
25 research a radius -- a circle around that ship where we
26 can expect that some narwhal are likely to exhibit

1 different types of disturbance.

2 The reason that -- and I explained during my
3 presentation, the reason that this appears as a line
4 that's 10 kilometres wide is that if you take a circle,
5 a ship at one location with a 5-kilometre radius
6 disturbance where -- in this case, 5 kilometers was the
7 distance at which narwhal were observed to cease their
8 repeated bottom dives. So if you take that circle and
9 then you move it like a ship, what you end up with, as
10 the ship transits through Milne Inlet, is an area where
11 that ship has --

12 (INTERPRETER BELL)

13 THE CHAIR: Mr. Jones.

14 MR. JONES: Yes, ma'am.

15 THE CHAIR: Please slow down and pause
16 between sentences for the interpreter.

17 MR. JONES: Thank you, Madam Chair.

18 If you move the circle of disturbance along the
19 ship track through Milne Inlet, what you end up with is
20 an area where that one ship would have potentially
21 disturbed -- in that case would have caused narwhals to
22 cease their bottom dives.

23 If you look at the longest range disturbance,
24 which I think was at a distance of 10 kilometres,
25 narwhal are more likely to be pointed away from the
26 ship after it passes by, then that area that one ship

1 would have potentially disturbed narwhal as it moved
2 through Milne Inlet, that area would encompass most of
3 Milne Inlet.

4 So, Mr. Armstrong, I agree with you that in an
5 instant at any one point in time the proponent's
6 research suggests that narwhal are disturbed at some
7 circle around the boat. The purpose of the
8 illustration was to show the area that one ship transit
9 may cause disturbance of these different types.

10 Thank you, Madam Chair.

11 THE CHAIR: Baffinland, Brad Armstrong.

12 MR. ARMSTRONG: Thank you, Madam Chair, Brad
13 Armstrong for Baffinland.

14 Those are all the questions we had for Dr. Jones.
15 Thank you, Madam Chair.

16 Madam Chair, I might say we -- we do have some
17 time we would like to spend on some replies, and I note
18 that it's about seven minutes to 9, and I wonder
19 whether we could adjourn now, and we could start in the
20 morning with our replies. Thank you, Madam Chair.

21 THE CHAIR: It's just about 9:00, so we're
22 going to adjourn for the night and reconvene at 9 AM
23 with continued questioning from Baffinland to
24 registered intervenors.

25

26 PROCEEDINGS SUSPENDED DUE TO COVID-19 HEALTH DIRECTIVE

1 CERTIFICATE OF TRANSCRIPT:

2

3 We, Sandra Burns and Andres Vidal, certify that
4 the foregoing pages are a complete and accurate
5 transcript of the proceedings taken down by us in
6 shorthand and transcribed from our shorthand notes to
7 the best of our skill and ability.

8 Dated at the City of Edmonton, Province of
9 Alberta, this 27th day of February 2021.

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14 Sandra Burns, CSR(A), RPR, CRR

15 Official Court Reporter

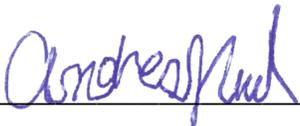
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21 Andres Vidal, CSR(A)

22 Official Court Reporter

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