

NUNAVUT IMPACT REVIEW BOARD

MARY RIVER PHASE 2 PROPOSAL

BAFFINLAND IRON MINES CORPORATION

NIRB File. No. 08MN053

**BAFFINLAND RESPONSE TO THE APRIL 15, 2021
NOTICE OF OBJECTION OF THE HAMLET OF POND INLET REGARDING
ADMISSIBILITY OF THE SUPPORT SLIDES**

1. Baffinland Iron Mines Corporation (“**Baffinland**”) opposes the objection of the Hamlet of Pond Inlet dated April 15, 2021 and states that the 210414 BIM New Support Slides – IT4M (NIRB Registry No. 334663) (the “**Support Slides**”) should properly be marked as exhibits by the Nunavut Impact Review Board (the “**NIRB**” or “**Board**”).
2. Baffinland submitted the Support Slides to the NIRB for the following reasons: they are in reply to issues raised during the proceeding, they provide information regarding new commitments recently made by Baffinland, or they seek to explain technical issues in plainer terms or graphically for the benefit of community members, NIRB staff and the NIRB. The slides could be used in conjunction with oral explanations or responses to questions during the community roundtable to help illustrate the points or information in a meaningful way.
3. All such documents are properly admissible, and in fact, should be considered by NIRB in its assessment. There is no prejudice to any party should they be admitted as evidence in the Phase 2 proceeding.
4. Baffinland’s position on the admissibility of the Support Slides is set out below in further detail.

5. The Support Slides provide updated information to the NIRB and Parties regarding new mitigation measures, employment benefits, and refinements to the proposed adaptive management plan for the Phase 2 Proposal:

- Slides 1 and 2 provide a graphic representation of potential wind fencing mitigation measures for dust control, which is a potential dust mitigation described in previous NIRB filings. In particular, Baffinland filed a “Dust Summary Report” on April 6, 2021 in advance of the April 2021 Public Hearing Session (NIRB Registry No. 334330);
- Slides 3 to 7 provide information regarding employment benefits with the Phase 2 Proposal, including recently developed commitments that are also described in the draft Commitment List (NIRB Registry No. 334329) and Updated Community Engagement Update (NIRB Registry No. 334460);
- Slides 8 to 11 provide photographs of aspects of the mining process at Mary River, including crushing, hauling and stacking;
- Slides 12 and 13 are placeholders for Baffinland to play recordings of narwhal vocalizations during the Public Hearing prepared in response to a request by the Hamlet of Sanirajak for such recordings during the January-February 2021 Public Hearing session.¹
- Slide 14 includes two graphic representations of ship noise; and
- Slide 15 provides a graphic representation of the manner in which the proposed Adaptive Management Plan will be implemented, evaluated and adjusted. The slide presents similar information to that included at page 311 of the “BIM

¹ Public hearing transcript for February 3, 2021 (NIRB Registry No. 333453), p.1588.

Responses to Questions” filing (NIRB Registry No. 334147).

6. With respect to the slides that describe additional commitments, Baffinland recently developed these commitments in consultation with other Parties after the adjournment of the Public Hearing in February 2021. Baffinland made these updated commitments in response to concerns raised by Parties, including concerns raised by Parties as recently as the Public Hearing held in April 2021.
7. An example of those new commitments is Baffinland’s commitment to provide employment in the affected communities (the “**Communities**”), which Baffinland has made as of March 2021. During the Public Hearing session in January-February 2021, participants raised concerns that employment with Baffinland was being offered at the mine site, which might not be suitable employment for those with caregiver or other responsibilities who need to remain in the community and cannot undertake a two-week rotational work schedule.² The Hamlet of Pond Inlet had also raised the topic of more community-based employment with Baffinland at the November 2019 Public Hearing session.³ In response to this concern, Baffinland has committed to employing a number of individuals in each of the affected communities. This commitment is directly relevant and responsive to the issues raised by participants and the Hamlet of Pond Inlet specifically.
8. It is important to consider that the Public Hearing has not yet completed. Baffinland’s position is that, taking into account the nature of the Support Slides, there is no prejudice to any party on the basis that the Support Slides were filed less than 15 days prior to the recommencement of the Public Hearing. However, if there was any prejudice, such prejudice has since been remedied through the passage of time.
9. As the Public Hearing was adjourned unexpectedly on April 14, 2021, Parties have now had more than 15 days with the Support Slides to consider them prior to the resumption

² See, for example, the public hearing transcript for February 3, 2021 (NIRB Registry No. 333453), at pp.1629 to 1630.

³ Public hearing transcript for November 2, 2019 (NIRB Registry No. 327559), p. 217.

of the Public Hearing. Accordingly, any prejudice that may have existed due to the timing of when the Support Slides were filed has been addressed by the adjournment.

10. It is open to the Hamlet of Pond Inlet to include any submissions on these materials they wish to make in their Final Written Summaries that will be filed with the Board at the end of the Public Hearing.
11. Socio-economic monitoring would be carried out in relation to the new commitments in accordance with Project Certificate No. 005, and it is anticipated that the Hamlet of Pond Inlet will actively participate in the review of the Annual Report on these matters. It is also Baffinland's hope that the current pause in the Public Hearing process can be utilized to provide Mittimatalingmiut an opportunity to better understand the content and opportunities being proposed in the new commitments, as well as an opportunity for a proper and full consideration by Hamlet Council as a result of feedback received from community members or current employees. Baffinland is ready and willing to provide any support needed to the Hamlet of Pond Inlet in carrying out these important tasks.
12. With respect to the Hamlet of Pond Inlet's submissions respecting a late submission by Oceans North, Baffinland refers the NIRB to its comments on this filing included in its response to the MHTO Notice of Objection filed May 6, 2021. Baffinland also encourages the NIRB to give full consideration to the arguments set out in the "Analysis" Section of its Response to the MHTO Notice of Objection, as they also apply to the Hamlet of Pond Inlet's Notice of Objection.
13. For all of the reasons cited, Baffinland submits the NIRB should admit all of the Support Slides into evidence for consideration as part of the Phase 2 Proposal assessment process.

Dated May 6, 2021

"Lawson Lundell LLP"

Lawson Lundell LLP

Solicitors for Baffinland Iron Mines
Corporation