

Baffinland Iron Mines Corporation’s “Phase 2 Development Proposal”

**CLOSING SUBMISSION
of the Ikajuktit Hunters and Trappers Association
to the Nunavut Impact Review Board**

Submitted January 10, 2022.

The Intervenor Ikajuktit Hunters and Trappers Association

1. The Ikajuktit Hunters and Trappers Association (herein “Ikajuktit”) is a Hunters and Trappers Organisation as established and recognised under Part 7 of Article 5 of the Nunavut Land Claims Agreement, that serves and represents all Inuit of Arctic Bay in matters related to wildlife harvesting and wildlife management.
2. Ikajuktit members know their environment, including the lands, waters, and wildlife in their territory deeply, as the environment is the foundation of Inuit culture and way of life. Inuit Qaujimagatuqangit (IQ) comes from Inuit being the stewards of our environment. IQ has been passed down generation after generation and is a valid and reliability understanding of the world.
3. Ikajuktit has sought and obtained intervenor status in this matter as the lands and waters where Arctic Bay Inuit hunt, harvest, camp and continue their cultural and economic way of life has been impacted, significantly by the Mary River Project.
4. Ikajuktit takes the position that the Nunavut Impact Review Board (herein “NIRB”) must conclude that the Baffinland Phase 2 Development proposal must not be approved. Further, Ikajuktit is calling for a 10 year Moratorium on any increase in the ore production of the Baffinland Iron Mine.

Ikajuktit Position: Call for a 10 Year Moratorium

5. Ikajutit members are very concerned with the negative impacts and damages they have observed to be caused by the current iron ore mining and related operations for the Baffinland Iron Mine at the Mary River site. The impacts felt are those also witnessed and experienced by Inuit in the other North Baffin communities. Specifically, Arctic Bay Inuit have seen significant changes in wildlife behavior, migration patterns, and declining numbers of different species.
6. Inuit, at every opportunity, have communicated their concerns to government officials and to NIRB, stressing that Inuit have not been given the chance to independently study these impacts in detail. Studying the impacts has been challenging due to a lack of capacity and funding for independent research.
7. Ikajutit believes that the impacts of the Phase 2 Development will cause far greater and more serious impacts. As such, we must be cautious and fully understand the impacts of the existing operation and steps needed to mitigate negative impacts before rushing forward and expanding this development.
8. The impacts are not insignificant and the impact on our communities could be devastating. Our land rights as Inuit, and our harvesting rights are core to our identity and life as Inuit.
9. Every measure needs to be taken to protect and uphold our rights including rights under the Nunavut Land Claims Agreement, Section 35 of the Constitution of Canada, and the United Nations Declaration on the Rights of Indigenous Peoples. As such, the Phase 2 Development proposal cannot be supported at this time and must not be approved until the proven and effective mitigation measures and plans are developed based on comprehensive, reliable data collection, interpretation and reports, that are rooted in and inclusive of IQ and Inuit.
10. Inuit must be provided the time and resources to gather and document base-line data, develop IQ approaches to environmental management, develop IQ principles for operations, as well as monitor and mitigate against climate change.
11. Documentation for and comparative analysis of data, the development of IQ approaches and principles, and monitoring climate change impacts all require at least one generation of observation, adaptation, and mitigation to protect the environment and the marine and terrestrial wildlife more effectively against the impact of the current operation.
12. In response to community experiences and findings around the activities of and on the current project, the Ikajutit HTA has specifically requested time and resources to start to measure data which include:
 - a. documenting critical wildlife, marine and terrestrial, baseline data to start to compare and better share information over time. Data is critically needed in:

- i. Wildlife sightings and harvests;
 - ii. Testing for contaminants in Inuit, animals, in river, lake and sea water, and in vegetation;
 - iii. Dust control, monitoring, and mitigation attempts; and
 - iv. Impacts of shipping and ice-breaking.
 - b. The inclusion and adoption of IQ as the foundation for wildlife management and regulation.
 - c. The inclusion and adoption of IQ as the foundation of adaptive management in resource development.
 - d. Greater understanding of the impact and foot-print of the current operation on climate change needs to be studied and mitigation measures adopted and monitored as IQ adaptation principle(s) are developed, applied and tested.
13. The mine operates on our land and must benefit our people. Therefore, it has to respect our land, way of life and our expertise. The operation must better reflect, practice, acknowledge, and respect Inuit employees, their families, and communities.

Are we benefitting as we are entitled?

14. Ikajuktit remain concerned with the actual benefits Inuit and impacted communities can gain from this project. Further Ikajuktit questions the extent to which Inuit are being supported to be able benefit.
15. Specifically, how many Inuit are employed? From which communities? What businesses are utilized? What businesses have been created? What training and development plans are available? Ikajuktit does not believe that Inuit have been able to benefit from the mine to the extent that is promised in the Inuit Impact Benefit Agreement. Ikajuktit believes that more time is needed to invest in Inuit, especially youth to ensure they can take the high paying jobs being promised. Education available to Inuit in impacted communities needs to be adapted to support this.
16. As much as the jobs from the mine are welcomed, it cannot come at the expense of the land, water, wildlife and Inuit culture. Ikajuktit believes that the mine cannot be seen as the only solution to life in the impacted communities. Time and resources are needed to promote and protect culture, the land and wildlife, as well as jobs and opportunities in other economic sectors.
17. In addition to these submissions, the Ikajuktit fully supports the position and submissions of the Mittimatalik Hunters and Trappers Organisation.

Role and Mandate of the NIRB

18. The NIRB panel considering this project must take a number of matters into account according to article 12.5.5 of the Nunavut Land Claim Agreement. These include:

(a) whether the project would enhance and protect the existing and future well-being of the residents and communities of the Nunavut Settlement Area, taking into account the interests of other Canadians;

(b) whether the project would unduly prejudice the ecosystemic integrity of the Nunavut Settlement Area;

(c) whether the proposal reflects the priorities and values of the residents of the Nunavut Settlement Area;

(d) steps which the proponent proposes to take to avoid and mitigate adverse impacts;

(e) steps the proponent proposes to take, or that should be taken, to compensate interests adversely affected by the project;

(f) posting of performance bonds;

(g) the monitoring program that the proponent proposes to establish, or that should be established, for ecosystemic and socio-economic impacts; and

(h) steps which the proponent proposes to take, or that should be taken, to restore ecosystemic integrity following project abandonment.

19. Ikajuktit believes that the project fails on many of the factors the NIRB must consider.

20. The project proponent has not established that the project would enhance and protect the future well-being of our communities. The failure to understand the impacts of the existing project and the failure to establish a robust and tested adaptive management plan, with clear mitigation measures and targets, is risking our community's well-being and future. It is also risking our culture identity and way of life. This is a huge risk, and one that we alone would be impacted by when the measures fail.

21. The proponent has failed to demonstrate to the NIRB and to our community, that the project would not unduly prejudice the ecosystemic integrity of the lands and waters at and surrounding the mine. Too many questions remain outstanding with respect to the impacts currently being felt. Too little is understood about the impacts of the project and other cumulative factors. Weighing of prejudice must be based on evidence, which in this case has just not been provided. Again, any risk here of prejudice will come at the expense of Inuit, our communities and way of life.
22. The proponent has presented an undeveloped and untested set of avoidance and mitigation processes. Much of which is yet to be developed and promises to be developed with Inuit through the Inuit Certainty Agreement. Ikajuktit believes these need to be developed in advance of approval and should have been developed in advance so that the NIRB could evaluate these measures. That is the mandate of the NIRB as specifically outlined in the above noted section of the Land Claim Agreement.
23. Monitoring to date of the existing project has failed to answer the many questions impacted Inuit have and have failed to mitigate the current impacts. As such, Ikajuktit is not confident that monitoring programs for Phase 2 will do any better.
24. Finally, and in consideration of the proprieties and values of impacted communities, the evidence before the NIRB demonstrates that protection of land, water, wildlife and culture is a top priority for impacted Inuit. Economic opportunities for impacted Inuit and future generations is also a priority. However, economic prosperity cannot come at the expense of the environment and the Inuit way of life. This is why it is so important to understand impacts and to work towards their effective management and mitigation before proceeding. Other jobs and economic opportunities can be found, but once wildlife are gone, it will take generations for them to return, if they return at all. We must be cautious.

The NIRB process and Procedural fairness issues

25. Participation in the NIRB process has been extremely challenging. The NIRB process is extremely legalistic and not in keeping with IQ values and principles when it comes to information gathering and decision making.
26. Many Ikajuktit members wished to participate but they had no meaningful opportunity to, as there were no hearings held in Arctic Bay. Participation was limited to only selected community members. Community members were given limited time to present and to ask questions.
27. The ability to participate was also limited by the challenges with accessing information about the project and proceedings. The process is very dependent on computer, internet and English literacy, this disadvantages impacted Inuit.

28. For HTA's like Ikajuktit, participation was extremely challenging due to the huge demand this process put on us and our resources. Funding was insufficient, but funding alone would not address the challenges faced trying to work within such a legalistic process that was dependent on internet and technological capacity. As hunters and trappers and many of us, as Elders, this process is completely foreign to us and is not a place where we believe we were heard nor where our concerns heard or addressed.
29. For these and many other reasons, Ikajuktit is disappointed in this process and feel that the process has placed Inuit at a disadvantage, has left us uninformed or ill-informed about the project, its impacts, the NIRB process and has failed to hear our concerns and learn from our knowledge and expertise.

The Minister's Duty to Consult and Accommodate

30. We understand that the Government of Canada has stated that they will rely on the NIRB's process to fulfil the Minister's Duty to Consult and Accommodate impacted Inuit. The Ikajuktit have not been duly consulted through the NIRB process. Our concerns have not been fully shared with the NIRB. Many voices and perspectives are excluded from this process. It is a foreign and legalistic process, that is not inclusive and not welcoming. The Minister cannot decide based on the NIRB's record in this case. It remains the Minister's duty to meet with impacted Arctic Bay Inuit and Ikajuktit and the members.

Conclusion

31. For the reasons summarised above we call on the NIRB to reject this project proposal at this time. Our values and IQ teach us that we must not act carelessly. We have to be cautious and we must not rush. When we mistreat the land and the animals this impacts our lives and our well-being. We have to do the work of fully understanding the risks and the benefits of this development before we move too fast. Our land and wildlife and way of life is threatened by some many things, so we have to protect it. Baffinland, the Government of Nunavut, Government of Canada and QIA, have not done the work with us to gain the understanding and resources needed to move forward in a way that enhances and protects our well-being. We urge the NIRB to reject the proposal and implement a moratorium until the work of understanding impacts, monitoring and mitigation are implemented and tested over time.

Sincerely submitted by the Ikajuktit HTA of Arctic Bay

Qaumajuq Oyukuluk
Chair, Ikajuktit HTA