



Kavir Kaluraq
Chairperson
Nunavut Impact Review Board
Cambridge Bay, NU

RE: Mittimatalik Hunters and Trappers Organization supplemental technical comments to BIM's Mary River "Production Increase Proposal Renewal" application

In response to the correspondence issued July 19, 2022, the Mittimatalik Hunters and Trappers Organization (MHTO) provides the following comments with regard to Baffinland Iron Mines' (BIM) proposed Mary River Production Increase Proposal Renewal (PIPR).

Throughout the assessment of the Phase 2 proposal and monitoring of the Mary River project, the MHTO has filed extensive comments and interventions with the NIRB; these are relevant to the PIPR and we respectfully request that those submissions also be considered by the Board as part of the MHTO's evidence provided for the PIPR.

Gaps in Impact Assessment and Mitigation Plans

In 2018, the NIRB recommended that operations at 6MT not be approved because of uncertainty around impacts to marine wildlife and impacts from dust. It remains the MHTO's position that no substantive changes to the proposal or subsequent mitigation measures have been introduced or shown to be effective at mitigating impacts to marine mammals, caribou, and hunters.

As stated as part of MHTO's intervention to the NIRB's Phase 2 assessment, impacts of BIM's operations at 6MT per year have already, and continue to impact MHTO members' harvesting rights and wildlife members depend upon to exercise these rights.

The MHTO has concerns about impacts from sustained operations at 6MT; BIM's monitoring and mitigation efforts have not been effective to mitigate impacts to marine mammals, caribou, and Inuit harvesting. MHTO is not confident that BIM's commitment to various additional mitigation measures will be effective to mitigate impacts of sustained operations at 6MT. There is no evidence showing that BIM can operate Mary River at 6MT for the 2022 year in a manner that lessens or prevents impacts that are occurring from this level of operations.

Despite the MHTO having made submissions for years describing impacts that BIM's activities have had on Inuit harvesting, BIM has still not undertaken an assessment of impacts of its current activities on harvesting rights, harvesting effort, or food security. MHTO notes that section E, item ii of BIM's PIP Supplemental Information Package acknowledges that "the harvest data reported for caribou and narwhal do not account for harvesting effort...[but that] Through the Inuit Certainty Agreement, Baffinland agreed to fund in its entirety, regardless of the outcome of Phase 2, a Pond Inlet Country Food Baseline Report, led by the QIA and community of Pond Inlet. The results of this study have yet to be released by the QIA, however, Baffinland is committed to integrating the findings of this report into its own monitoring programs, annual reports, and adaptive management plans."

While it is encouraging that BIM commits to fund this work regardless of P2 approval, the MHTO is concerned that the ICA may not be binding on BIM if Phase 2 does not proceed. Furthermore, information around harvesting effort, success, and harvester experience should have been collected and considered by BIM directly, and should be informing Phase 2 and this current PIPR application. Using results from a study that was developed and conducted by a third party organization is not ideal, and often may not be adequate, to inform or address the needs of a particular project's impact assessment. It is unacceptable to proceed without critical data around these indicators and potential impacts of the project and to consider allowing the proposed activities to continue for an additional season. MHTO submits that the NIRB should not and cannot rely on future possible results of this yet to be released study in order to address significant impacts to constitutionally protected Inuit harvesting rights.

MHTO understands that BIM has stated it would not engage in ice breaking shipping during the 2022 season, however MHTO remains opposed to this activity and has

concerns that BIM plans to continue with the use of ice breaker support to facilitate shipping of ore in shoulder seasons. Without clear definitions of what constitutes ice breaking and when an ice breaker is required for support in open water, MHTO is concerned about the level of uncertainty around this activity. We saw BIM undertake ice breaking shipping for years without having had proper consideration or assessment of the activity. MHTO is concerned that shipping in 3/10 ice may still require the use of an ice breaker in support of those transits, but that this may not meet BIM's own definition of "ice breaking" and the activity will again slip under the radar of impact assessment. The use of an ice breaker to support open water ship transits has serious impacts on marine wildlife and harvesting and must not be permitted without fulsome consideration of impacts and mitigations. Without an assessment of impacts to harvesting rights and proposed mitigation measures to address these most serious impacts, the consideration of ice breaking support cannot be properly undertaken.

Reconsideration of Terms and Conditions

The NIRB's July 19, 2022 Notice of Reconsideration of PC Terms and Conditions stated that "given the short-term nature of the PIP Renewal, and recognizing that a decision in respect of the Phase 2 Development Proposal is underway, the Board does not consider it appropriate to conduct a broad reconsideration of the Mary River Project's existing effects mitigation and monitoring program." The NIRB directed that parties "focus on the reconsideration of term and condition 179(a) and (b) and the specific terms and conditions added to Project Certificate No. 005 under Amendment 2 and 3 associated with the Board's prior assessment of the Production Increase Proposal (2018) and the Production Increase Proposal Extension (2020)."

The MHTO notes that Project Certificate 005 still contains no Terms and Conditions specifically designed to address ice breaking, shipping in shoulder seasons, and/or the use of an ice breaker to support open water ship movements despite this activity having occurred for many years. The MHTO submits that operations at the 6MT level of production has already resulted in significant impacts to harvesting rights and to key wildlife species. Refusing to consider changes to terms and conditions when the current conditions have not been shown to mitigate for impacts - while permitting those same activities to continue - is irresponsible and unadvisable. MHTO has submitted that the Terms and Conditions of PC 005 are not having the intended effect and that there are unmitigated impacts of current activities, yet the NIRB has not identified this as a rationale for reconsideration and has directed that this reconsideration be limited to focus only on conditions 179 and 180 which strictly address mine throughput and transportation of ore. MHTO is deeply concerned with this approach.

Consultation and Engagement

In Section E, item i of BIM's PIP Supplemental Information Package, a reference to three meeting engagements between BIM and MHTO is made. Specifically, for the May 24, 2022 meeting with our Board, the MHTO prepared detailed notes and has provided these to the NIRB to update the Board with regard to our consultation record for the

project (Appendix B). Of note, BIM indicated during this meeting that it intends to carry on with the 6MT option for 5 years, and that it has abandoned the Phase 2 proposal. The MHTO understood from this meeting that should MHTO provide our support for the PIPR, BIM would make the decision to abandon Phase 2 in favour of building the railway to Steensby Inlet. We are concerned that this approach amounts to coercion by BIM, and does not reflect the principle of free, prior and informed consent. MHTO is also concerned that there is no certainty that BIM will proceed with its development plans as outlined to us during this and other meetings.

The MHTO is concerned that BIM plans to proceed with the PIPR for longer than one year, and with the fact that “short-term” approvals of this activity have now been granted twice, with this being the third such request. Significant impacts to Inuit harvesting and to important wildlife species have resulted as a result of these piecemeal “short term” approvals. Implementing a shorter, more expeditious assessment to accommodate BIM's lack of planning should not be allowed if it curtails fulsome consideration and revision of terms and conditions in order to protect and promote the ecosystemic wellbeing of Nunavut.

The constantly changing project development plans and piecemeal assessments undertaken for BIM's “project stacking” are incredibly unfair to the MHTO and all parties. MHTO expects a further “renewal” application to continue with the 6MT operation will be submitted to the NIRB in the coming months. MHTO does not have the resources to engage properly in these continued assessments and amendments, nor is that approach adequate to properly consider ongoing and cumulative impacts. Considering BIM's public commitment to alter its development plan significantly in favour of the Steensby Inlet rail route and port development, the MHTO requests that BIM be required to clarify its project plans with the NIRB prior to any further applications being considered by the Board.

The continued and constant project changes introduced by BIM should warrant **additional** consultation and engagement to ensure the MHTO and general public fully understand the proposal before the NIRB. BIM has held no public engagements in relation to the PIPR application. This shortened assessment process and lack of opportunity for public engagement and Inuit participation has meant that adequate and meaningful consultation has not occurred in respect of the PIPR application. There was no participant funding allocated for this assessment; and without support, the MHTO does not have the capacity to adequately or fully consider the application. This, along with the abbreviated assessment process adopted by the NIRB, have significantly limited the opportunities for MHTO's engagement and participation. The duty to consult has not been fully discharged in respect of this application.

Conclusion

The concerns and issues of our Board remain outstanding; as such, the MHTO membership does not support the renewal or continuation of Baffinland's operations at 6MT per year.

The MHTO thanks the NIRB for this opportunity to provide additional input to its consideration of the PIPR application. We look forward to hearing from representatives of the North Baffin communities during the upcoming Roundtable and to the NIRB's eventual recommendation on the proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Qamaniq', with a stylized flourish at the end.

David Qamaniq
Chairperson
Mittimatalik Hunters and Trappers Organization

Encl: Appendix A - Resolution of Non-Support from MHTO Special Meeting August 8, 2022
Appendix B - Meeting Notes from MHTO Engagement with BIM May 24, 2022

Appendix A: Resolution of Non-Support from MHTO Special Meeting August 8, 2022



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Moved by:

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Seconded by:

A. J. Roberts

WHEREAS	Baffinland Iron Mines Corporation (BIM) submitted a request for renewal to its Production Increase Proposal (PIP) to the Nunavut Impact Review Board (NIRB) for permission to ship up to 6 million tonnes (MT) of iron ore from Mary River in 2022;
WHEREAS	NIRB has requested comments from interveners on the PIP by August 11 th , 2022;
WHEREAS	the MHTO has not been adequately funded to fully consider this proposal but has met with BIM, QIA, and the hunters of Mittimatalik;
WHEREAS	MHTO has already stated as part of its intervention to the NIRB's Phase 2 assessment that impacts are currently happening because of BIM's operating at 6MT per year;
WHEREAS	MHTO members have already had their harvesting rights impacted as a result of BIM operations at 6MT;
WHEREAS	MHTO is opposed to the use of ice breaker support to facilitate shipping of ore in shoulder seasons;
WHEREAS	BIM monitoring and mitigation has not been effective to mitigate impacts of operations at 6MT to marine mammals, caribou, and harvesting activities;
WHEREAS	Additional mitigation measures are unlikely to be effective to mitigate impacts of sustained operations at 6MT;
WHEREAS	BIM has not undertaken an assessment of impacts of the PIP renewal on harvesting rights;
WHEREAS	In 2018, the NIRB recommended that operations at 6MT not be approved because of impacts to marine wildlife, and no substantive changes to the proposal or mitigation measures since that time have been introduced or shown to be effective at mitigating impacts to marine mammals and hunters;
WHEREAS	Adequate and meaningful consultation have not occurred in respect of the PIP renewal application given the shortened assessment period and lack of opportunity for public engagement and Inuit participation; and
WHEREAS	During a ^{special} regular meeting of our members on Monday August 8, 2022 the ^{Members} voted to oppose the Production Proposal Increase application;



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Therefore be it resolved that

MHTO does not support the continued operations at 6 MT for the remainder of 2022.

6474^{eb} / Carried ☒

6474^{eb} / Rejected ☐

6474^{eb} / For motion 26

6474^{eb} / Against 1 Tabitha Kasasnak

6474^{eb} / Abstain: 8

6474^{eb}

Date Aug. 8, 2022

A'IDAG'ULPND' 6474^{eb}

Motion Number

08-08-22-01

6474^{eb}

Chairman [Signature]

Manager

[Signature]

Appendix B: Meeting Notes from MHTO Engagement with BIM May 24, 2022

Mittimatalik Hunters And Trappers Organization

Regular meeting

May 24, 2022

Present;

David Qamaniq-DQ	Chairperson
Enookie Inuark-EI	Vice-Chairperson
Peter Aglak-PA	Board member
Jonathan Pitseolak-JP	Board member
Charlie Inuarak-CI	Board member
Namen Inuarak-NI	Board member

Staff:

Judah Inualuk-JI	Executive Secretary
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Delegates

Paul Quassa-PQ	Advisor to Baffinland President Penny
Joe Tiggullaraq-JT	Northern Affairs Manager
Malaya Lucassie-ML	Baffinland IIBA Manager

David Qamaniq Chairperson (MHTO) Mittimatalik Hunters And Trappers Organization welcomes Paul Quassa and Joe Tigullaraq.

Paul Quassa thanked MHTO Board for welcoming us we just arrived tonight. We are here to inform Pond Inlet MHTO and to hear what you think about Baffinland Iron Mines plans?

First of all Phase 2 has not been approved by The Nunavut Impact Review Board, Joe can add anything as I go along.

Right now IIBA are still moving along as we speak they will not seize right away. Joe Tigullaraq will elaborate further as we go along and they are still going.

Hunters enabling program, Gas vouchers are still being distributed

We are going to beg you.

In 2018 Baffinland Iron Mines Corporation (BIMC) was approved to mine transport 6mpta by the people of Pond Inlet, if you remember? We need your support to transport 6mpt We can stop the ore carriers from going to Milne Inlet port maybe purhaps within 5 years or less?

We are applying to the Minister that is how it is and ore carriers and stop hauling ore but, alternative route has been identified. BIMC has shift plans to Steensby Inlet Baffinland will give it a try and mine through Steensby Inlet, Ore carriers will no longer travel through Eclipses Sound due too many concerens on Narwhal population, we can haul transport 6mtpa if Pond Inlet approves actually by MHTO Board.

It can create employment there are a lot of people who wants to work, a works, lot of people from Pond Inlet works for Baffinland Iron Mines Corporation not only here including Sanirajakmiut as well as Arctic Bay, employment can help.

Baffinland transported ore 6mtpa since 2019, it will not grow.

Baffinland requested and applied to build a railroad from Mary River to Milne Inlet port and called it Phase 2, this has now been scrapped Baffinland Iron Mine, we can scrap, let us forgot Phase 2, Baffinland wants to haul transport 6mtpa iron been ore for the next 5 years, so Baffinland can start build the railroad from Mary River to Steensby Inlet, MHTO is is the very first to hear this newsnobody has informed other then MHTO as this new information.

We (Baffinland Iron Mines) agrees with your concern, we just wanted to give you all this information.

We are currently approved to mine 4.2mtpa sometime in June 19 or further Baffinland , we will go back to will reach 4.2mtpa and some employees will need to be laid off in June we will go back to 4.2mtpa

MHTO concerns about Narwhal, Baffinland has Narwhal adoptive management plans, then there is dust audit committee and this is on going there are 2 individuals from MHTO who are involved and it includes Arctic Bay, Igloolik, Sanirajak, Clyde River. As I mention earlier IIBA still being implemented

IIBA ongoing Joe Tigullaraq will add comments, Baffinland Iron Mines wants support from MHTO.

Concerns from Pond Inlet residence as well others communities we (Baffinland) wants to scrap Phase 2 we (Baffinland) wants to build railroad from Mary River to Steensby Inlet

Joe Tigullaraq, We scrapped Phase 2 You guys are the very first to hear this, we haven't informed anybody else. Either tomorrow or the next day people will hear about this, you guys are the very first to hear about this, Pond Inlet was selected to hear the news first, that is why we here. Some commitments may be stopped, like for example hockey tournaments will be on hold until further notice, depending on whether we (BIMC) will make money or not.

MHTO requested BIMC vessels travel be reduced , right now they travel 9 knots they cannot go any slower then 9 knots, BIMC is trying to finout about how slow they can travel, if traveling too slow the ore carriers would have hard time to manuver the ore carrier, if they travel too slow they might run into ice we can find out? BIM is going ask Ore carier owners what is knots is safe travel.

MHTO also wanted BIMC to reduce number of ore carriers @ 4.2mpta the number of ore carriers are 58

@6mpta the number of ore carriers can go up to 84 BIM never fully reach 6.0MPTA

BIMC is trying to figure out if they can reduce the number of ore carriers

@6mpta between this summer we would except roughly between 75-80 ore carriers.

The ore carriers that BIM currently uses can carry 50-55mpta, the bigger ore carriers can carry 75-80mpta.

BIM trying to find ore carrier that is capable of carrying 93 thousand tons, if they can find one there would be less ore carriers.

240 tons Milne Inlet ore dock conveyor belt is too small, it was designed for smaller ore carriers, It would take forever to load bigger ore carriers and ore carriers will have to wait for their turn. We get close to 6mpta but never fully reach 6mpta.

As Paul Quassa had menentioned earlier. That Inuit Impacts And Benefits Agreement will continue to be implemented agreements outside the IIBA are uncertain.

BIM is trying to find out how they can make money or whether they are going to loose money, they are trying to find that out right.

We (BIMC) want a letter of support, if you support our project before Friday May 27, 2022.

If BIMC request to increase from 4.2mpta to 6.0mpta is not approved, BIM will stop crushing by the end of June, they will reach 4.2mpta by the end of June.

DQ-Will BIMC stop paying MHTO \$10,000.00 per ore carrier or will this continue?

PQ-It would continue this summer.

DQ-No more gas vouchers.

JT-BIM just recently paid the Hamlet gas vouchers as the Hamlet distributes them.

PA-You wanted us to reply by Friday Can you extend the deadline as both Chairperson and Viece-Chairperson will be out of town.

JT-It is an urgent matter Nunavut Impact Review Board and the Federal Minister will need to know soon from MHTO and if you support the Production Increase Proposal if that happens we will have to visit and inform the 4 other affected communities.

PQ-I just want to add that as we mentioned earlier that the workers will be layed off as 4.2mpta will be reached between June 20-25, 2022 the people who transport iron ore will have to be layed off. We do not want to layoff our employees that is why we are.

NI-We have alot to say and alot of questions to you but you are not dicisions makers for BIM, MHTO has been asking to meet with BIM but they only seems to meet with people who provides money for the project, BIM communication with MHTO seems to stall.

For along time BIM continues to threatened to lay off their employees BIM even make threats local people, even in a meeting BIM make threats,this is an on going.

You ask MHTO for urgent plans to be approved and you give MHTO something like very little money more like \$2.00 just shut us up BIM ignores us. Here you are distroying our land as much as you want, BIM's foundation is threatening, the employees will understand if the mine has to close, if it has to close down you two will loose your jobs I am sure you will understand, we understand you are making threats the mine will close, the mine will close, Yes, it will okay to close the mine, there are other mining companies who wants to start mining, if you are moving over there can't you move you employees there?

PQ-We have been given authority to talk about BIMC production increase propsal we spoke to Brian Penny we can make plans if MHTO wants to make plans with us that is how it is. We are not just servants. can make your decisions, you guys will have to these decisions. We are only here to talk about your requests we agree with your request, people want to work at the mine, especially the Inuit workers who works at the mine, when they are able to buy Hunting equipment they go hunting, it gives someone something to be proud ofThat is why we are here tonight to hear these, We will write down comments as well, We are not here as servents of BIM

EI-Thank you Chairperson and I also want thank BIM employees for being here to talk about Production Increase Proposal. The MHTO will wait for al etter, It is good to have verbal information, we been dealing with it for a number of years. Friday deadline is too close and some of us will be out of town. We will except a letter from BIM.

PQ- We will produce a letter for your organization.

CI- Thank you Chairperson and I thank employees as people of Pond Inlet heard on the news media that NIRB has Recommended not to approve Phase 2 we were happy about the news, and it is very big some elders might think Mary River project is going to stop mining, some of us thnk Mary River project will never stop there are different type of money making rocks.

When NIRB recommended not to approve Phase 2 we thought maybe we will see real benefits, maybe we will turn to Qikiqtani Inuit Association or maybe the People of Pond Inlet will be involved that is how we think, we want to have a say and perhaps we can be involved in operation of the mine, we can improve the IIBA documents, through NLCA we cannot get benefits, when NIRB said no to Phase 2, we thought we can talk to NTI directly to change the NLCA legal documents.

Some people work for Baffinland and some will never work for Baffinland, there will be a lot of people working at the NIRB, you mentioned that you think there are some communities in Nunavut that get benefits from a mining company, there are others even Qallunaat who get benefits.

I am reaching a certain age I will have to stop running for office as I am getting older. We want Inuit to get benefits, we even thought about talking to NIRB about Phase 2 proposal to get more benefits, either NTI or QIA some sections have to be has to be reworded, we thought if it was changed and if the affected communities are benefiting what we wanted to see, we thought we were going to talk. Under NLCA if there is going to be change in scope of a project they have to go through NIRB, you have mentioned that you have requested directly to the Federal Minister for the production increase 6.0mtpa proposal, maybe you can try and ask NIRB to talk to MHTO, BIM has been transport 6.0mtpa iron ore for a while now. 6.0 does not need to be increase, it is okay to keep it at 6.0mtpa as long as BIMC is making money and the BIMC is always say it is too cheap and the BIMC may be right?

As per NLCA it is not proper way of dealing with production increase proposal and the people who knows this probably do not care at all? I want a letter from the NIRB, and say we the people of Pond Inlet think this way.

DQ-While we are thinking, you mentioned 6.0mtpa, I do not know who started talking about the North Baffin Training centre, BIM, MHTO, Hamlet and MLA met in closed door meeting.

I think Charlie Inuarak mentioned about BIM and QIA the Inuit Certainty Agreement, BIM I think wanted to revisit the ICA but the interim President of QIA did not want to revisit the ICA, this ICA was not good for Pond Inlet residence, if BIM switches to Steensby Inlet I do not think Igloodikmiut will see any benefits as long as QIA is the land owner.

QIA executive committee never visit Pond Inlet, Levi Barnabas used to visit once in awhile but, we haven't seen him for awhile when phase 2 was being discussed.

People of Pond Inlet always want Jet capable airstrip, if we can get a letter in English and Inuktitut North Baffin dialect

PQ-Our Production Increase Proposal is urgent we would like a response by Friday May 27, sorry we did not bring it with us right now. We will have to inform our employees that they will have to be laid off and the people who wants to work. You guys are the very first to hear our Production Increase Proposal, we can abandon Phase 2 if we can use 6.0mtpa while we are planning for Steensby Inlet that is how it is, we no longer think about railroad to Milne Inlet port,

we are now concentrating to Steensby Inlet, we will have to visit Igloodikmiut and Sanirajakmiut as soon as possible. Steensby Inlet was approved in the beginning, we will just go ahead it is quite urgent the employees will have around June 25, 2022, if we don't get approved for 6.0mpta

JT- If this 6.0mpta does not go ahead as planned, it will not affect our employees, BIM contractors are watching and waiting they are thinking if they will be paid for their contract work, BIM is sceptical not only for our employees, money is the only way to operate a mine, if there is no money to operate it cannot continue this iron ore haulage.

Been informed DQ- You mentioned that the Federal Minister has 90 days to decide, even if gives BIMC a greenlight will BIM still going abandoned as per your Production Increase Proposal, even if the Federal Minister says yes. Will BIMC say to the Federal Minister I am sorry we abandoned Phase 2 proposal, when we went to Pond Inlet to inform about the Production Increase Proposal?

JT- We will tell the Federal Minister that we abandoned Phase 2 after we informed Nunavutmiut to hear this. You guys are the very first people to hear about this Production Increase proposal. QIA, some communities and MLAs identified under IIBA, the Federal Minister will be informed, he has not yet been informed. BIMC has abandoned Phase 2. The Federal Minister will no longer have to approve, once the Federal Minister has been informed we can just go ahead with Steensby Inlet as mining certificate 005 was approved by the NIRB.

EI-BIMC said they want to ship iron ore through Eclipse Sound, BIMC said they can pay for Steensby Inlet Railroad at 4.2mpta, BIMC experts made a mistake, I guess 4.2 cannot pay for Steensby Inlet railroad and you are proposing 6.0mpta which is Production Increase Proposal. What about you guys will you keep your jobs and layoff your employees, or are you two going to lose your jobs too?