

NUNAVUT IMPACT REVIEW BOARD'S HEARING REGARDING
RECONSIDERATION OF BAFFINLAND'S MARY RIVER PROJECT
CERTIFICATE NUMBER 005

FILE: 08MN053

HEARING HELD AT
POND INLET, NUNAVUT
VOLUME 4
JANUARY 30, 2014

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1 (PROCEEDINGS COMMENCED AT 9:06 AM)

2 Opening Remarks by Nunavut Impact Review Board Chair

3 THE CHAIR COPLAND: Good morning. We're starting
4 day 4 of this Nunavut Impact Review Board hearing,
5 reconsideration of Baffinland's Mary River project, and
6 this is certificate number 005. Good morning. I'm
7 going to ask Josiah Kadlutsiak to give the morning
8 prayer.

9 (OPENING PRAYER)

10 THE CHAIR: Thank you. On behalf of the
11 Nunavut Impact Review Board and staff, welcome to day 4
12 of this public hearing for the Nunavut Impact Review
13 Board's assessment of the early revenue phase proposal.
14 And to remind you what this application is, as
15 discussed this week, the changes proposed by Baffinland
16 under the early revenue phase include mining an
17 additional 3.5 million tons of iron ore each year from
18 deposit 1 -- he can't hear. Are their earpieces not
19 working or just his?

20 (DISCUSSION OFF THE RECORD)

21 THE CHAIR: Okay. Baffinland, under the
22 early revenue phase application, includes mining an
23 additional 3.5 million tons of iron ore each year from
24 deposit 1, transporting the iron ore from the mine site
25 to Milne Port through the tote road, storing up to
26 3.5 million tons of iron ore at Milne Port, shipping
27 the iron ore via the Milne Port site during the

1 open-water season throughout the 21-year life of the
2 mine, passing through Pond Inlet for 21 years, delaying
3 the development of the larger Mary River project as
4 originally authorized under the project certificate,
5 including development of the Steensby port and the
6 railway. So that is the application before us today.

7 Before we start, just housekeeping information.
8 For your earpieces, it's channel 1 English, channel 2
9 Inuktitut, and if you are having problems with the
10 earpieces, please talk to our sound technician, Ryan
11 Dempster. And, also, please note we do have court
12 reporters to record these proceedings, so when it is
13 your turn to speak, please state your name at a
14 reasonable pace. And for the federal agencies,
15 Baffinland, don't use acronyms or abbreviations,
16 because it takes a bit of time for the interpreters to
17 translate those acronyms and abbreviations.

18 I would also like to notify all participants that
19 these proceedings are being filmed and the media is
20 present, and the Board asks that all media
21 representatives ensure that they identify themselves so
22 that everyone knows who you are and which media outlet
23 you are representing. I also want to make it clear to
24 everyone that the Board's role at the hearing is
25 primarily to listen to the information presented,
26 questions asked, and viewpoints expressed, and I remind
27 everyone that the Board members and staff cannot and

1 will not take questions or provide comments to the
2 media, the parties, or anyone else regarding the early
3 revenue phase proposal.

4 I'm not going to review the file history again
5 today, but if you are interested, documentation, hard
6 copies are provided at the front of the room. The
7 agenda is also available. For more information, for
8 assistance, please talk to Heather or Ovik by the door.
9 And when you come in in the morning, in the afternoon,
10 and again in the evening, please sign up at our
11 registry. You also get a ticket for door prizes
12 tonight -- lunchtime and tonight.

13 Baffinland has indicated they wish to address some
14 deferred responses. So we'll get to -- there's the
15 need for operational flexibility and a follow-up
16 regarding ballast water. So I will now give the floor
17 to Baffinland to give their response.

18 Baffinland Responds to Deferred Questions

19 MR. MADSEN: Thank you, Madam Chair, and
20 good morning. It's Erik Madsen with Baffinland. I
21 will discuss questions deferred on operational
22 variability or flexibility, and then I will turn it
23 over to Oliver to -- to provide some clarification on
24 ballast water treatment.

25 We had been asked to clarify how the 20 percent
26 operational variability affects the assessment.
27 Operational variability means that, in some years, we

1 may exceed the expected levels of activity, and in some
2 years, fall below. In considering Ryan Barry's
3 question, we have checked our assessments, particularly
4 in regard to truck transits and ore shipments. With
5 respect to ore truck transits on the tote road, we
6 expect an average of 152 ore truck transits per day. A
7 20 percent variability in ore truck transits puts the
8 range at approximately 120 to 180 ore truck transits.
9 The assessment was based on 200 truck transits, as
10 indicated in -- on page 49 of volume 6 of the final
11 environmental impact statement addendum. This confirms
12 that the environmental assessment in relation to truck
13 transits was done at the upper range of operational
14 variability.

15 With respect to ore shipments, we expect an
16 average of 55 ore carrier shipments per season within a
17 range of approximately 32 to 64, depending upon the
18 size of the ships. While this is not specifically
19 stated in the final environmental impact statement
20 addendum, our consultant has confirmed that the
21 environmental assessment of potential effects on marine
22 mammals used the range of 32 to 64 ore carriers'
23 shipments per season. This was discussed at the
24 technical meeting in November. Again, this confirms
25 that the environmental assessment was done at the upper
26 range and -- upper-range end of variability.

27 With respect to accidents and malfunctions, the

1 detailed assessment is presented in volume 9 of the
2 final environmental impact statement addendum. When
3 the operational variability is occurring around an
4 average, the overall risk does not change. For
5 example, more trucks on one day and less trucks on
6 another day; it averages out.

7 As we have confirmed in the final environmental
8 impact statement addendum, we are confident that, with
9 the implementation of our mitigation measures and
10 monitoring plans, that the project, including
11 operational variability, will result in no significant
12 effects. We hope that this provides you with a
13 satisfactory response to your question regarding
14 20 percent operational variability, as it relates to
15 environmental assessment. And now I will turn it over
16 to Oliver with some clarification on the ballast water
17 treatment.

18 MR. CURRAN: Thanks, Erik, and good morning
19 everyone. It's Oliver Curran with Baffinland.
20 Baffinland wishes to provide a brief clarification to
21 the Board with respect to ballast water management at
22 Milne Port. Having heard the discussions during these
23 hearings about ballast water, Baffinland wishes to
24 bring the attention of the Board to current project
25 certificate condition number 89, which requires
26 Baffinland to, quote, "develop and implement an
27 effective ballast water management program and address

1 compliance with international conventions and
2 regulations". Baffinland refers the Board to its
3 shipping and marine wildlife management plan, which is
4 attached at Appendix 10(d)-10 of the final addendum to
5 the final environmental impact statement, as well as
6 its standard format for ballast water management plan,
7 which is Appendix 5 of that plan. Baffinland designed
8 these materials to comply with the current project
9 certificate terms and conditions.

10 Baffinland's approach to ballast management has
11 further -- has been further informed by the assessment
12 of the early revenue phase, which included analysis of
13 the most recent peer-reviewed research. As you have
14 heard during these hearings, ballast water management
15 is a highly regulated area with detailed national and
16 international legal and technical requirements. With
17 all of these measures in place, Baffinland is very
18 confident that its current plans represent a
19 responsible and environmentally protective approach to
20 ballast water management at Milne Port.

21 In order to further address the matter of ballast
22 water management, Baffinland wishes to confirm that the
23 updated ballast water management plan will include a
24 requirement that ship operators must test their ballast
25 water to confirm that it meets the salinity
26 requirements of the regulation before they may
27 discharge ballast water at Milne Port.

1 With this additional commitment, as well as the
2 existing project certificate terms and conditions and
3 the rigorous applicable legal framework, Baffinland
4 hopes that any outstanding questions regarding ballast
5 water management have been addressed. Thank you.

6 THE CHAIR: Thank you. And I understand
7 Baffinland and the QIA have a joint submission
8 regarding the caribou protection measures, so QIA will
9 join you.

10 Baffinland and Qikiqtani Inuit Association Respond to
11 Deferred Questions

12 MR. WILLIAMSON BATHORY: Thank you, Madam Chair.
13 Stephen Williamson Bathory, QIA. As the NIRB will
14 recall in our presentation, we had asked to defer the
15 topic of caribou protection measures. That's because
16 QIA and Baffinland had been engaged in a process
17 specific to developing caribou protection measures as
18 required under the commercial production lease. That
19 commercial production lease required that -- that QIA
20 and Baffinland come to an agreement on caribou
21 protection measures within six months of the signing of
22 the lease. That date was September 6th. So we're
23 pleased to announce, as of yesterday, we've come to
24 agreement on caribou protection measures. The
25 protection measures are drawn from those found in
26 Appendix I of the North Baffin Regional Land Use Plan,
27 and they've incorporated a project-specific application

1 for the Mary River project. The Mary River proj --
2 caribou protection measures will apply to --

3 THE CHAIR: Can you please slow down?

4 Thank you.

5 MR. WILLIAMSON BATHORY: The caribou protection
6 measures will apply to an area defined as "the Mary
7 River project area", and that's a defined term under
8 Section 3.6 of the Inuit Impact and Benefit Agreement.

9 QIA and Baffinland have also indicated that these
10 Mary River caribou protection measures will be
11 integrated into the terrestrial environment management
12 and mitigation monitoring plan and that they are
13 appropriate measures to take in respect to the
14 protection of caribou within the project area.

15 Finally, further to QIA's correspondence before
16 the Board on January 13th and before the Nunavut
17 Planning Commission on January 10th, QIA now wishes to
18 confirm that the early revenue phase application fully
19 complies with the requirements of Appendix I of the
20 North Baffin Regional Land Use Plan. I'll turn it over
21 to Erik Madsen if he'd like to add anything.

22 MR. MADSEN: It's Erik Madsen with
23 Baffinland. I think Stephen has covered it off. Yes,
24 yesterday we did reach agreement on the Mary River
25 caribou protection measures, and that will be
26 incorporated into the terrestrial environment working
27 management plan. So that's all we have to say on that.

1 THE CHAIR: QIA?

2 MR. WILLIAMSON BATHORY: Thank you. Stephen Williamson
3 Bathory, QIA. Just one follow-up matter there. We've
4 filed these caribou protection measures formally with
5 the NPC, both in hard copy and electronically. Earlier
6 in the hearings, we had pointed a question at NPC as it
7 related to a caribou protection map. Although we
8 haven't yet received a confirmation from NPC, the
9 caribou protection measures have been designed based on
10 our knowledge that -- that no such map exists and that,
11 should such a map be developed, it could be
12 incorporated into these caribou protection measures.
13 So regardless of that outstanding question, we feel the
14 caribou protection measures are -- take that into
15 account.

16 THE CHAIR: Thank you. Any response from
17 legal counsel?

18 Nunavut Impact Review Board Staff Responds to
19 Baffinland and Qikiqtani Inuit Association's Deferred
20 Responses

21 MS. MEADOWS: Thank you, Madam Chair.
22 Teresa Meadows, legal counsel for the Nunavut Impact
23 Review Board. It is my understanding that the Nunavut
24 Planning Commission is -- is not in Pond Inlet at the
25 moment. We are hoping and expecting to perhaps get a
26 reply or a confirmation from them, but they are in
27 transit today. And in the event that we do receive

1 something before the close of the hearing, we will
2 ensure that that gets read into the record, Madam
3 Chair. Thank you very much.

4 THE CHAIR: Thank you. Before tomorrow.
5 Okay. Thank you. Any other deferred responses from
6 the federal agencies before we go on to the intervenor
7 presentation?

8 MR. MADSEN: Madam Chair?

9 THE CHAIR: Baffinland?

10 Baffinland Responds to Deferred Questions

11 MR. MADSEN: Madam Chair, it's Erik Madsen
12 from Baffinland. We have a couple more deferred
13 questions that we're -- we wanted to follow up with,
14 so -- and I think after we go through these last two
15 points, I think we're up to date with our deferred
16 points that we have tracked. So I will turn it over to
17 Greg Missal who will take some questions about our
18 human -- status of our human resource -- Inuit
19 strategy -- human resource Inuit strategy, and then
20 Oliver will throw up a few maps that were requested for
21 some more clarity.

22 MR. MISSAL: Madam Chair. Thanks, Erik.
23 Greg Missal with Baffinland. The question was raised
24 yesterday on the current status of the Inuit human
25 resources strategy. The strategy isn't specific to the
26 conversation here. It's more related to the Impact
27 Benefit Agreement, but we thought it might be useful to

1 give a little bit of a brief summary on it. The Inuit
2 human resources strategy is a -- is a joint commitment
3 that was contained in the IIBA and is currently being
4 developed by Baffinland, as a result of the IIBA being
5 completed in September of 2013. The strategy has a
6 clear goal of maximizing Inuit participation in the --
7 in the life -- over the life of the project. The
8 components that will be included in the strategy
9 include Inuit recruitment, Inuit retention, the
10 development of baseline and the ability to set a
11 standard for future minimum Inuit employment goals,
12 attract more Inuit women into the mining industry,
13 develop future summer student opportunities for those
14 who may have an interest in the mining industry, and
15 incorporate an overall Inuit wellness component into
16 the project. Thank you. Now I'll turn it over to
17 Oliver Curran.

18 MR. CURRAN: Thanks, Greg. It's Oliver
19 Curran with Baffinland. Amanda, if I could just have
20 you put up the slides on the -- on the shipping route
21 there. Thank you. So I just wanted to follow up with
22 the discussions that had occurred yesterday, and a
23 question from the Board on showing a -- an image of
24 what an ore carrier would look like in Eclipse Sound
25 from Pond Inlet. So I just have a couple images here
26 to better explain that, as well as the width of -- of
27 Milne Inlet.

1 So everybody's seen this map before with our
2 shipping route coming in through Eclipse Sound into
3 Milne Inlet into the port. I should point out that
4 this -- this hatched line, for illustration purposes on
5 the map, is about 1 kilometre in width with the scale.
6 So it's a very wide area. And like I described
7 yesterday, depending where you are in Eclipse Sound,
8 the distance here is about 25 kilometres wide. And
9 then moving on, my next picture will show, if you were
10 standing in Pond Inlet up on the hill -- if you're
11 standing in Pond Inlet, the next picture will show what
12 you would see across here and what the size of the ship
13 would look like from Pond Inlet.

14 So there's a picture -- an actual picture that we
15 took this summer looking across to Bylot Island, the
16 national park. And with the size of a Panamax vessel,
17 an ore carrier, this is what that ship would look like
18 from Pond Inlet. And this map is also at the back of
19 the room over there. It's been there all week. So
20 hopefully that helps clarify for residents of Pond
21 Inlet what we're talking about when we talk about
22 shipping through Eclipse Sound. That's -- that's what
23 the ship would look like in the middle of the channel.

24 Now I'll address the questions relating to Milne
25 Inlet, which is a more narrow area of the shipping
26 route. So now this focuses in just on Milne Inlet,
27 showing a bit more detail on the topography and some of

1 the islands in the channel.

2 So our discussions yesterday talked about, you
3 know, would it be possible to move the shipping route
4 more to the centre of the channel to get further away
5 from shore here. So like I had stated yesterday, we're
6 more than happy to work with the -- with the Hamlet and
7 the Hunters and Trappers Association and see if this --
8 if this route could be moved subject to any safety and
9 navigation issues. And this -- this line, now that
10 we're zoomed in, this line represents about a 300-metre
11 corridor. This location here is Bruce Head. So this
12 is where we're doing the narwhal observations from, and
13 this, of course, is Milne Port.

14 And it's important to note how steep the
15 topography is everywhere around here. It's very
16 mountainous terrain, not dissimilar to the mountains
17 you see across Bylot Island. So with regards to wake
18 effects, we're talking about sheer cliffs and rock
19 faces by and large, which do not provide a lot of good
20 nesting habitat for birds. We've done -- we've walked
21 these shorelines looking for nesting birds and found --
22 and found very little nesting habitat. As opposed to
23 the Steensby route, there's a lot more shallow areas,
24 marshes that support bird-nesting habitat.

25 So my next picture shows this area. It's a
26 picture from Bruce Head looking across with this island
27 in the background, and it shows a ship passing through.

1 And so that picture will give you a good idea of how
2 wide this area is, which is probably -- on this map,
3 we're looking at probably about 5 kilometres. So from
4 this point to this point, that's about 5 kilometres
5 wide. So there's a picture from Bruce Head looking
6 across the island, and that gives you a good idea, a
7 real example, of the ship passing through that area.

8 And then the next photo moves even further down
9 into Milne Inlet and provides a map to show how wide
10 the inlet is at the actual port. So Bruce Head is not
11 on this map. Bruce Head's up there. So now we're at
12 the most narrow area of Milne Inlet, and these squares
13 represent 1 kilometre. So the Milne Port is right
14 here. So at Milne Port, we're talking about three --
15 it's actually more than 3 kilometres wide. So there
16 is -- there is adequate room for ships to come in,
17 position at the dock, and leave. So I hope -- I hope
18 this gives a better -- a more clear representation
19 of how wide the channel is at Milne -- Milne Inlet.

20 So that's all I had on the Eclipse Sound and Milne
21 Inlet shipping route, and I just -- on a different
22 topic of the tote road, I just wanted to point out that
23 we have a map at the back of the room right there.
24 This map has been out on -- on the wall all week, and I
25 should have mentioned earlier in the week that there
26 was a commitment made at the technical meetings for
27 Baffinland to provide an illustration of the spacing of

1 the trucks along the tote road. So this map shows the
2 mine site and Milne Port. It shows the 100-kilometre
3 distance here. And based off the speed of the trucks
4 moving at approximately 32 kilometres per hour while
5 loaded, it shows the spacing of those trucks along the
6 road, and the bottom part shows a zoomed-in section of
7 the road and the spacing of the trucks on the road
8 there. So we're happy to answer any questions
9 regarding any of these later in the day. Thank you.

10 Nunavut Impact Review Board Questions Baffinland Iron
11 Mines Corporation (Deferred Questions)

12 THE CHAIR: Before we go to Charlie
13 Inuaraq, I have one question. Is that one ship at one
14 time at Milne Inlet, or are there going to be two ships
15 passing by each other?

16 MR. CURRAN: Thank you, Madam Chair. It's
17 Oliver Curran with Baffinland. That's a good question.
18 So along -- along this shipping -- anywhere along the
19 shipping route, there will -- there could be times when
20 the ships have to pass each other. And I'm not -- you
21 know, I'm not an expert on the navigation safety
22 aspects that -- you know, for ships passing each other,
23 but there would be, you know, regulations, I'm
24 assuming, on safety distances for passages. And the
25 ships would -- would likely be in communication with
26 each other, so they would know, if another ship's
27 leaving a port, another ship's coming in, you know, to

1 make sure there's safe distances between the ships on
2 when they do pass each other. So I hope that helps
3 answer your question.

4 THE CHAIR: Thank you. Before we move on
5 to the intervenors, Charlie Inuaraq, you have a
6 question?

7 We can't hear you.

8 CHARLIE INUARAQ: Madam Chair, I just want to
9 clarify -- I want you to clarify. The IIBA, like,
10 when -- sometimes the interpreters repeat the IIBA.
11 Can you explain -- because it contains a lot of things,
12 so the acronym is an issue. Like, some of the people
13 don't understand it when the interpreters refer to it
14 as "IIBA". So can you elaborate, or NTI? Thank you.

15 THE CHAIR: We will have it clarified when
16 it is their turn to present; not right now.

17 Any questions -- I mean, just one question from
18 Pond Inlet before we go on to the intervenors.

19 PANILOO SANGOYA: Thank you.

20 THE CHAIR: What's your name?

21 PANILOO SANGOYA: Paniloo Sangoya. I am an
22 elder in Pond Inlet, and this is my fellow elder. The
23 shipping route, there is always going to be an
24 improvement for shipping routes, and we can always go
25 back to it at any time. But my question is, like, the
26 foundation or the established route -- the proposed
27 established route, why -- did you move different

1 modeling methods from Steensby Inlet? Even though it's
2 very deep in our area, nobody has monitored how deep
3 the ocean is. We have halibut and also sharks, but in
4 the Steensby area or Foxe Basin area, there are none.
5 And here we have a lot more fish in this area who are
6 deep-water fish. So that is my question. So I'm
7 wondering as to why this model was transferred to this
8 area based on the monitoring or research that was
9 conducted at Steensby Inlet.

10 And yesterday my colleague said that we had not
11 approved shipping to go through Eclipse Sound, because
12 that is how Baffinland originally stated, but now it
13 was kind of a surprise that they want to ship ore
14 through Eclipse Sound. So I want a response from
15 Baffinland Iron Mine.

16 Like, we can always rectify, like, human resources
17 issues, but, like, the lifespan is estimated for 21
18 years, and they said they want to conduct the early
19 revenue phase, and they stated earlier they cannot
20 borrow any money from the banks in Canada. (OTHER
21 LANGUAGE SPOKEN). And yet they say, two days ago,
22 like, they can borrow some money from the banks. How
23 come they changed their original plans and decided to
24 conduct the early revenue phase? If they were able to
25 borrow some money from the banks, they were able to
26 build a port at Steensby Inlet. Us elders would prefer
27 that five years -- the early revenue phase be conducted

1 for five years. So there should be a limit about the
2 new shipping route. So I want a response from
3 Baffinland.

4 I know they'll be making further presentations,
5 and I've been part of the process, but that is my only
6 question about as to why the shipping route has been
7 moved to the Eclipse Sound area. The ship cannot
8 anchor in front of the tanker because the anchor line
9 is too short. So I would like a response as to why
10 they defer the shipping route to Eclipse Sound.

11 THE CHAIR: Baffinland?

12 MR. MISSAL: Thank you, Madam Chair. Greg
13 Missal with Baffinland. Thank you for those questions,
14 Paniloo. I guess to start off answering the question,
15 and then I think we touched on it a fair bit yesterday,
16 but the decision to go from the Steensby Inlet option
17 or the bigger rail project option didn't really have
18 anything to do with shipping routes or depth of water.
19 It was about -- the reason the change came about was
20 the economics related to the project. So as we talked
21 about yesterday, the -- the rail line project is a --
22 is a very big project. It's what's called a
23 "mega-project", and it would have cost about \$6 billion
24 to devel -- to build that project. The price of iron
25 ore is a price that's set around the world, and the
26 demand for iron ore is something that's effected by how
27 all the different economies in the world are -- are

1 functioning. So at the moment, the price of iron ore
2 over the last couple of years has continued to go down
3 in price. The demand for countries around the world to
4 buy iron ore has gone down. So that then affects
5 projects like this one and how they're developed.

6 The good news for this project and for the north
7 Baffin is that we came up with an idea to still develop
8 this project, and the idea was the early revenue phase.
9 If we wouldn't -- if we wouldn't have come up with the
10 idea of the early revenue phase, this -- the project
11 probably would have been put on hold and nothing would
12 have appeared in terms of -- of moving the project
13 forward. We didn't want that to happen. We put --
14 we've put so much work into this project over the
15 years. We've spent lot of time and money. Lots of
16 people in the room have devoted a lot of time and
17 attention and effort into getting the project as far
18 along as we have. So we wanted to get the project
19 going somehow. So the early revenue phase was an
20 option to do that.

21 I think that, so far, it's working out well in
22 that we have a lot of people, a lot of local people
23 from the north Baffin who are currently working at Mary
24 River or at Milne Inlet. We're seeing the benefits
25 that are being generated from people having jobs at the
26 Mary River site. Since we've been here this week,
27 we've had many people come to us and ask about if

1 there's jobs available or who they can give their
2 resumes to. There's a -- there's a lot of interest in
3 the north Baffin for people to get job opportunities
4 and to develop their skills and their careers.

5 So I think -- I think we're -- we're moving in the
6 right direction, but the change of the project wasn't
7 related to shipping routes. So I'll leave it there for
8 now, and I'll just -- I'll stop there. Thanks, Madam
9 Chair.

10 THE CHAIR: Okay. Thank you. I just --
11 it's just that I think I got a totally different
12 interpretation. But to let the public know, let's hear
13 from the intervenors. You're going to hear from
14 Transport Canada, from Fisheries and Oceans, and then
15 we will open the floor for questions after. If you can
16 please be patient, because you'll -- you might get your
17 answer. You might -- and you will be able to ask them
18 questions and get back to Baffinland. Let's stay on
19 track, please.

20 Before we go to the intervenors, we have the Pond
21 Inlet Mary River Project Committee that would like to
22 give a short presentation, information for the Board.
23 This morning we have Caleb Sangoya, the chairman of the
24 Mary River Project Committee. Please let them talk
25 first, let's hear from the intervenors, then I will
26 open the floor for public questions and comments.
27 Thank you for your patience. Caleb?

1 Presentation by Pond Inlet Mary River Project Committee
2 CALEB SANGOYA: Thank you, Madam Chair. I'm
3 going to be commenting. So I have copies of English
4 and Inuktitut available for your preference. My name
5 is Caleb Sangoya, chairperson of the Pond Inlet Mary
6 River Project Committee, and I want to welcome the
7 Nunavut Impact Review Board and also community
8 representatives of the affected communities. And,
9 also, intervenors, welcome to our very scenic
10 community.

11 In the past, when Baffinland Iron Mines
12 Corporation received the certificate number 005 from
13 NIRB on December 28, 2012, they had certain conditions
14 and -- terms and conditions attached to the
15 certificate. We assumed they were not going to -- we
16 were not going to come back to the hearings for 20
17 years, but I'm glad that NIRB is able to come back to
18 Pond Inlet to hear about Baffinland's early revenue
19 phase proposal.

20 The Nunavut Impact Review Board -- we have
21 prepared some comments to the NIRB committee, and I
22 will comment them on (sic) orally, and I will be
23 presenting you of the documents from the MRP, Mary
24 River Project Committee. The early revenue phase has
25 been included in the final environmental impact
26 statement that was presented in 2013 in the volume 1,
27 the FEIS addendum. You've probably seen those binders.

1 Volume 1, 2 to 7 states -- and also from 8 to 10, they
2 are written in English only. Therefore, I urge -- we
3 urge the Nunavut Impact Review Board, later on, any
4 such documents be made available in Inuktitut, as long
5 as they're pertaining to the Mary River project, using
6 the north Baffin dialect before they are distributed by
7 Baffinland.

8 Like, the -- we were referring to the addendum on
9 the final environmental impact statement. It became
10 apparent, like, they were just a summary of the
11 original volumes, and Steensby was deleted and Milne
12 Inlet was inserted. So if Baffinland does not believe
13 that is the case, then someone can review them --
14 someone with the English-speaking audience can review
15 the whole document but Inuit cannot.

16 In the -- under Section 1.0 of the early revenue
17 phase proposal, Baffinland stated that, according to
18 our understanding, we want that -- the fact that under
19 certificate 005, addendums will have to be followed,
20 and they were provided to NIRB December 28th, 2012.
21 Reading those documents, summarized documents, the
22 Hamlet and HTO and the Mary River project requests
23 recommending the following.

24 The Mary River Project Committee urges Nunavut
25 Impact Review Board to review all documents and
26 carefully look at the terms and conditions, because the
27 shipping route has not been evaluated or assessed under

1 number 1.2 of the early revenue phase. Like, the
2 certificate provided by NIRB, certificate 005, states
3 the -- during the duration of the Mary River ore
4 project that Milne Inlet be designated as a sealift
5 area. That was originally planned, and later on, they
6 were going to use Milne Inlet during year-round
7 shipping. But Steensby was designed as a year-round
8 operation, and once Steensby Inlet is in operation, the
9 railway line would be used.

10 Madam Chair, they're going to change the Milne
11 Inlet area under certificate 005 as originally planned
12 by Baffinland Iron Mines, because they want to start
13 shipping iron ore during the open -- shipping season
14 during the early revenue phase. We don't know how
15 long. Who knows, like, what else we don't -- does
16 anyone else know what else Baffinland has any plans
17 about something we don't know about?

18 And other communities which have been identified
19 to be impacted under the certificate 005 will no longer
20 be impacted; therefore, that was not the expectation of
21 the Nunavut Impact Review Board about the proposed
22 changes.

23 The recommendations that the Mary River Project
24 Committee asked to Nunavut Impact Review Board about
25 the early revenue phase, like, the Inuit Impact
26 Benefits Agreement should be geared more towards the
27 people of Pond Inlet and Clyde River. And, also, when

1 they're working on the early revenue phase, the
2 Steensby -- during the duration before the railway line
3 is conducted at Steensby Inlet, I have a question,
4 Madam Chair, to Baffinland Iron Mines about these
5 following questions under 1.3. These are the terms and
6 conditions that should be included: Are you looking at
7 a 5-year, 7-year, or a 10-year lifespan? And another
8 thing, why use the nominal 3.5 PMTA, per million tons
9 annually? Why not the word maximum 3.5 million tons
10 per year?

11 During the open-water season? Can Baffinland Iron
12 Mine define the word "open-water season"? Is it
13 likely -- like, there is absolutely no ice in or around
14 the vicinity of the project area and the Eclipse Sound
15 area? And a very similar concept to the bulk sample,
16 what is the difference between the two, and -- what are
17 the differences between the two?

18 Baffinland Iron Mines Corporation, assumes, quote:
19 (as read)

20 That complete financing for the approved
21 project certificate will become available in
22 2014. [Which is this year.] Engineering and
23 mobilization in 2015. [Which is next year.]
24 Construction will be completed in five years
25 to enable the first ore shipment from
26 Steensby port in 2019.

27 Unquote. Does it look promising that the financing for

1 the approved project will go ahead as planned? Will
2 the engineering and mobilization begin next year as
3 planned?

4 And Baffinland has stated that it will be very
5 beneficial to the north, and it has certainly
6 strengthened the northern economy. The Mary River
7 Project Committee recommends that the federal
8 government's use of the royalties collected from the
9 Mary River project to initiate Pond Inlet airport
10 relocation, breakwater projects, and other future
11 projects envisioned during the early revenue phase.

12 It is -- it states that, quote -- like, Aboriginal
13 Affairs Canada stated on the 25th, Monday, it was
14 reported that the federal government don't (sic) have
15 any addendum. How can they say -- like, the Hamlet has
16 made requests. Like, the scope of the project
17 contains -- it's very large, and yet they -- does not
18 have a specification to write a final submission to
19 NIRB. It's not recommended in a specific amendment to
20 existing term and condition -- inclusion of additional
21 term and conditions. How were they able to say that?
22 Like, are they ignoring the requests of the people
23 here? 1.4, "Project Development Approach". It states
24 that -- it states that, quote: (as read)

25 Baffinland should develop a work plan to
26 retain qualified personnel and maximize Inuit
27 participation from the five communities

1 closest to the project -- Pond Inlet, Arctic
2 Bay, Igloolik, Hall Beach, and Clyde River --
3 during that construction phase.

4 Now that the Mary River -- Mary River project is scaled
5 down to early revenue phase, other communities such as
6 Arctic Bay, Clyde River, Hall Beach, Clyde River,
7 Igloolik, and Iqaluit will now no longer be affected as
8 much. Pond Inlet Mary River project recommends that
9 Baffinland Iron Mines Corporation concentrates on
10 training and hiring from Pond Inlet and Clyde River
11 during the operation phase, as we will be the only
12 community affected during the early revenue phase until
13 the railroad and Steensby Inlet port is in operation.

14 1.5, "Project Challenges". What -- what happens
15 if the early revenue phase does not provide real and
16 measurable benefits for Baffinland Iron Mines
17 Corporation and stakeholders? What happens if the
18 world commodity price for iron ore does not stabilize?
19 Once the early revenue phase is fully operational, it
20 is expected that approximately 55 ships will transit
21 ore annually. Does that include annual sealift
22 supplies and fuel resupplies? How much would that be
23 including annual sealift and fuel resupply ships?

24 1.6, "Project Schedule and Project Life". What
25 happens if the early revenue phase cannot commence
26 immediately following the amendment to the project
27 certificate? What happens if the current market

1 forecasts for iron ore are incorrect?

2 1.7, "Highlights of the Early Revenue Phase": (as
3 read)

4 The mine site, the tote road, the Milne Port,
5 are the three major project sites. Both the
6 Milne mine site and Milne Port will have all
7 the facilities needed to operate effectively,
8 including maintenance and administrative
9 buildings, warehouses, lay-down areas, ore
10 stockpiles and associated runoff management
11 facilities, camps, water supply, water --
12 wastewater treatment plans, waste management
13 facilities including landfills, power
14 generation, fuel depots, telecommunication
15 facilities, and airstrips. In addition to
16 this facility, the mine site includes the
17 open-pit mine, the fleet of trucks to support
18 the mine, facilities to operate and store
19 explosives, a waste rock pile, a mobile ore
20 crushing sizing facility, and mobile
21 equipment for loading of ore onto trucks.

22 Milne Port will be fully developed for
23 the ERP. The site will include a floating
24 freight dock, an ore dock, a 3.5 million tons
25 ore stockpile, multiple lay-down areas, camps
26 and sewage treatment facilities, fuel tank
27 farm, and miscellaneous warehouse and

1 administrative buildings.

2 1.9, "Closure and Post Closure": (as read)

3 As long as reclamation plans and security
4 deposits are in place, cumulative effects on
5 caribou movement and mortality are not
6 expected. We disagree. Maybe for now, but
7 maybe once the caribou come back to the area,
8 it might be a different story. It is
9 concluded that there will be no cumulative
10 effects associated with the increased
11 shipping activities along the Milne
12 Inlet/Eclipse Sound shipping route. We
13 disagree. There may be effects after the
14 third year of operation. I don't know.

15 Effects on marine water and sediment
16 quality will be limited to small areas near
17 the ore loading dock and are predicted not to
18 be significant. We disagree, but we will
19 soon find out if that's true if the project
20 goes ahead. Effects on marine habitat will
21 be limited to a small footprint of ore and
22 are predicted not to be significant. We
23 disagree, but we will soon find out if that's
24 true if the project goes ahead. Effect on
25 marine mammals. Key indicator species from
26 open-water shipping activities are not
27 predicted to be significant.

1 We disagree, but we will soon find out if the project
2 goes ahead.

3 "Code of Conduct and Anti-Harassment/Discrimination
4 Policy": (as read)

5 Baffinland Iron Mines Corporation will
6 institute a code of conduct for personnel for
7 personal harassment and a discrimination
8 policy that will include a zero-tolerance
9 policy for all employees regarding drugs and
10 alcohol, harassment, and any discrimination
11 based on race or sex.

12 We recommend that Baffinland Iron Mines Corporation
13 institute a code of conduct as soon as possible.

14 And Inuit employees should be allowed to carry a
15 firearm after they -- they can enter the project site
16 and harvest caribou, but Baffinland should go back and
17 readdress their policies, and according with this,
18 Inuit employees can access all project areas to harvest
19 wildlife during their leisure time. We want Inuit
20 employees to be able to do harvesting activity due to
21 the fact that Baffinland Iron Mines Corporation and QIA
22 has agreed to it, and it is under Section 4 of the
23 Nunavut Land Claims Agreement, and I am not sure which
24 Article it is in.

25 We want -- lastly, we want NIRB -- NIRB has stated
26 like, if a project were to proceed, that the mine site
27 cannot become a community, and now we're starting to

1 see some more problems associated with that. Some of
2 the employees leave their children behind for long
3 periods of time, and that is becoming a more common
4 problem. Now we're asking, like, within the near
5 future, the Government of Nunavut and Nunavut Planning
6 Commission, can they consider whether the Mary River
7 project can become a community to include schools and
8 houses so the employees at the mine can work at the
9 home environment anywhere in the world? And it's
10 always better for them to do so.

11 Thank you, Madam Chair, for your patience. So if
12 you need a copy, I can provide you copies in English
13 and Inuktitut. Yes. They will come in. The community
14 liaison officer at QIA has copies of these
15 presentations, so we want you to give careful
16 consideration to these. Thank you.

17 THE CHAIR: Before we break for questions
18 and going on to intervenors, legal counsel.

19 MS. MEADOWS: Thank you, Madam Chair.
20 Teresa Meadows, legal counsel for the Nunavut Impact
21 Review Board. I have two matters, Madam Chair. The
22 first is that we have received the electronic copies of
23 the Mary River Project Committee's comments. We will
24 be posting those electronic copies and circulating it
25 to the Mary River project distribution list by the end
26 of the day today, and we'll be entering them as
27 Exhibits Number 32 and 33 in this hearing.

1 EXHIBIT 32 - Electronic Copy of Comments
2 Presented on January 30, 2014, by the Pond
3 Inlet Mary River Project Committee
4 (Inuktitut)

5 EXHIBIT 33 - Electronic Copy of Comments
6 Presented on January 30, 2014, by the Pond
7 Inlet Mary River Project Committee (English)

8 MS. MEADOWS: The second thing is that the
9 Board did require Inuktitut copies of the addendum
10 summary were required to be filed by Baffinland, but
11 the Board does not limit or otherwise direct Baffinland
12 or any of the other parties as to whether they provide
13 additional translated material. So that is -- those
14 are the two matters that I have, Madam Chair.

15 THE CHAIR: Thank you. Thank you for the
16 information. We still need to hear presentations from
17 the intervenors, and I know the public -- the community
18 reps will have a lot of questions to the federal
19 agencies, so let's take a ten-minute break.

20 (ADJOURNMENT)

21 THE CHAIR: Okay. Shall we get started?
22 Next we have brief presentations from the intervenors.
23 After these presentations, the community reps and
24 general public may ask questions, but after their
25 presentation. And I understand -- is it Fisheries and
26 Oceans, Natural Resources -- who are the two presenting
27 together? Transport Canada and Fisheries and Oceans

1 are presenting together. Okay. We're going to start
2 off with NTI giving a short presentation, since they --
3 since they did not present the other day, and
4 intervenors are sitting on my left.

5 And we'll get legal counsel to swear you in first.

6 Legal counsel?

7 MS. MEADOWS: Thank you, Madam Chair.

8 Teresa Meadows, legal counsel, Nunavut Impact Review
9 Board. If I can get you to state and spell your name
10 for the record, please.

11 MR. IRNGAUT: Paul Irngaut, P-A-U-L;
12 Irngaut, I-R-N-G-A-U-T.

13 PAUL IRNGAUT, Sworn

14 THE CHAIR: Thank you. You may start your
15 presentation. After his presentation, the community
16 reps may ask questions after. Thank you.

17 Presentation By Nunavut Tunngavik Incorporated

18 MR. IRNGAUT: Thank you, Paul Irngaut, NTI.
19 First of all, I would like to apologize. The person
20 that was supposed to be here, James Eetoolook, was
21 unable to make it to the community due to weather
22 complications. He was to be here, but he can't make
23 it, so I apologize for that first of all.

24 Thank you for giving me the opportunity to present
25 my report, and I appreciate the fact that we're
26 following NTI -- no, Nunavut Land Claims Agreement
27 procedure.

1 First of all, regarding socioeconomic monitoring
2 and environment monitoring questions that were asked,
3 that is more of a responsibility of the assorted Inuit
4 bodies. For example, if it's in the Kivalliq, it would
5 be the KIA -- QIA -- Kivalliq Association. Here it is
6 the Qikiqtani Inuit Association organization,
7 especially when dealing with mining matters. When
8 listening to your reports, we were asked if we could
9 enter the conditions. QIA was designated to negotiate
10 the IIBA, and NTI doesn't necessarily take part in
11 QIA's issues, and you all know that they negotiated to
12 come to an agreement, and I'll further state that the
13 mine site, before our agreement -- the mine site was
14 brought up before our agreement, and we can say that
15 the mine is a grandfather situation. Be that as it
16 may, QIA and the federal government and -- are more
17 responsible for this. Be that as it may, NTI,
18 regarding Baffin -- Mary River project we can say we
19 own the ore, and if companies will be doing mining,
20 then NTI's rules need to be followed. There are three
21 main policies in place from NTI for mining. There's
22 the mining policy, our reclamation policy, and the
23 financing policy. Our mining policy states that their
24 project negatively affects Inuit culture and activities
25 along with wildlife too much, along with the places
26 that Inuit hunt in. And the next policy -- and they
27 try their hardest to hire Inuit and train Inuit. And

1 the reclamation policy -- the three region -- no, the
2 Inuit bodies like NTI have policies that they want the
3 land reclaimed back to the way it was, if possible, and
4 the policies clearly state that, during their project,
5 the land not being used be reclaimed during operations,
6 and those are the policies in place.

7 The financing policy is NTI does give monies, but
8 as I stated, the agreements are negotiated by the Inuit
9 organizations and the mining company to reach an IIBA
10 agreement, and people have wanted to understand that.

11 I'm trying to make my statement short.

12 Our president was to be here, and he could easily
13 answer all your questions, but if you want to have
14 another look at our policies, if you have internet
15 access or if you want to call us toll-free at NTI, but
16 www.tungavik.com is the website for our policies
17 regarding mining, if you wanted further clarification.

18 That's -- that's it for now. I tried to keep my
19 statement short. Thank you.

20 THE CHAIR: Could you explain IIBA? I
21 don't think many people understood what that was.

22 MR. IRNGAUT: I apologize. People need to
23 understand what the IIBA is. When Inuit will be
24 impacted, designated Inuit organizations need to
25 negotiate for the communities that will be affected
26 here. In this case, it's Baffin Island, and QIA and
27 Baffinland would have negotiated the IIBA. I hope that

1 was clear.

2 THE CHAIR: Thank you. Just a reminder to
3 intervenors that will be presenting, please mind your
4 acronyms and abbreviations because a lot of us and the
5 general public don't understand exactly what they mean.
6 Thank you.

7 Any questions to NTI from the community reps?
8 Only to NTI on their presentation.

9 Abraham?

10 Community Roundtable

11 ABRAHAM QAMMANIQ: Thank you. Thank you for your
12 report. I need support from NTI. The need -- the
13 able -- is in Nunavut Land Claims Agreement. For
14 example, in our community, we don't always see narwhal.
15 Even though -- even though we're employed, all the
16 people -- even employed people go narwhal hunting, and
17 hunting and providing subsistence gives you peace of
18 mind and ease of body, and we want that at the mine.
19 Thank you.

20 THE CHAIR: NTI?

21 MR. IRNGAUT: Thank you. Paul Irngaut from
22 NTI. Your statement is true. In our agreement, it
23 clearly states that Inuit have the right to hunt.
24 Article 5.7.16, it clearly states that we -- you can go
25 hunting anywhere you want to. Be that as it may, in
26 the agreement, it is recognized that, even though Inuit
27 have rights, their rights can be suspended to conserve

1 land, and the Canadian wildlife people can bring that
2 up, and whoever doesn't appreciate -- doesn't agree
3 with Article 5.7.19 -- sorry, if I'm wrong. Yeah.
4 That 5.7.19, if an Inuk disagrees with that article,
5 then he can argue with the Inuit organizations,
6 especially QIA, because they do have an opportunity for
7 arbitration, and they can negotiate that article, while
8 this project is being determined.

9 THE CHAIR: Thank you. Thank you for your
10 presentation.

11 Next let's have the Qikiqtani Inuit Association to
12 give their presentation. What are you pointing at,
13 Malachi?

14 MALACHI ARREAK: Paul had a question for
15 the --

16 THE CHAIR: You have a question? Okay.
17 Go ahead.

18 MALACHI ARREAK: Thank you, Madam Chair.
19 Malachi Arreak, Pond Inlet. I wrote my concerns, and
20 if I can ask one of my questions to NTI and government,
21 I believe, regarding the early revenue phase. The
22 Baffinland people say that they won't be impacting the
23 seals and narwhal too much. I had given them a copy of
24 my statements. Will there be monitoring for hunting
25 before, during, and after ore transportation to see --
26 to see ...

27 THE CHAIR: NTI?

1 MR. IRNGAUT: That was a good question.
2 Thank you. NTI wildlife people can be informed, but we
3 would need to go to Fish and Wildlife, especially as
4 they are the body in control of marine issues, and
5 we're trying to keep QIA more -- it is more QIA's
6 responsibility for negotiations. I don't know if this
7 was asked during negotiations, but any concerns can be
8 directed to NTI. We do have a biologist or wildlife
9 department at NTI. And any concerns you may have, you
10 can forward to us, and we will look at them.

11 THE CHAIR: Did that answer your question?

12 MALACHI ARREAK: Yes.

13 THE CHAIR: Okay. Qikiqtani Inuit
14 Association, brief summary presentation, and then
15 questions from the audience.

16 Legal counsel?

17 MS. MEADOWS: Thank you. I see that there
18 are some witnesses that are going to be presenting
19 evidence that maybe haven't been sworn in or affirmed
20 yet. So if I could get you to state and spell your
21 name for the record, please.

22 ENOOKIE INUARAK: Thank you, Madam Chair.
23 Enookie Inuarak, QIA director representing Pond Inlet.
24 Enookie, E-N-O-O-K-I-E; last name, I-N-U-A-R-A-K.

25 MS. MEADOWS: Thank you. And I see you have
26 another presenter. If you will be providing evidence,
27 if you could state and spell your name for the record,

1 please.

2 DAVID QAMANIQ: David Qamaniq, D-A-V-I-D,
3 Q-A-M-A-N-I-Q.

4 MS. MEADOWS: Thank you.

5 ENOOKIE INUARAK, DAVID QAMANIQ, Sworn/Affirmed

6 MS. MEADOWS: It's my understanding that
7 your presentation materials have been provided to us
8 and that we will be marking these as the next exhibit
9 in these hearings.

10 EXHIBIT 34 - Qikiqtani Inuit Association Mary
11 River Project Early Revenue Phase Final
12 Hearing Presentation to Community Roundtables
13 (English)

14 EXHIBIT 35 - Qikiqtani Inuit Association Mary
15 River Project Early Revenue Phase Final
16 Hearing Presentation to Community Roundtables
17 (Inuktitut)

18 THE CHAIR: Thank you. You may go ahead.
19 Presentation by Qikiqtani Inuit Association

20 ENOOKIE INUARAK: Thank you, Madam Chair.
21 Enookie Inuarak, QIA director. I just want to make a
22 few comments before we make our presentation, and I
23 also want to recognize, after NTI made their comments,
24 like, the negotiators before Nunavut was being created,
25 I want to recognize them for their efforts. Thank you,
26 the negotiators for the Inuit-owned lands. I want to
27 appreciate the negotiators who came from Pond Inlet

1 because the Inuit-owned lands are under the
2 jurisdiction of the QIA, and they will greatly have
3 benefit to the Inuit once the mining project goes
4 ahead, and also the subsurface minerals were also
5 negotiated with NTI, and NTI will benefit greatly from
6 that. So Paniloo Sangoya; Sam Omik from QIA; Elijah
7 Nasook from the Hamlet; Cornelius -- the late Cornelius
8 Nutarak; Joanasie Arreak -- the late Joanasie Arreak;
9 Jamel Qiluqisak, who is right here at the table; and
10 Ham Kullak, who are the negotiators. I want to
11 recognize them for their efforts, and I want NTI and
12 QIA to recognize them for their efforts because there
13 is going to be a lot of royalties involved once the
14 mining project goes through because these people
15 negotiated really hard with the federal government.
16 Thank you.

17 DAVID QAMANIQ: Thank you, Madam Chair. David
18 Qamaniq. I'm presenting the presentation from QIA in
19 regards to the Mary River early revenue phase here in
20 Pond Inlet, January 2014. QIA's mandate is to protect
21 and promote Inuit rights within the Baffin region.
22 Representing the Inuit's request between any levels of
23 government negotiating the Inuit impacts -- Inuit
24 Impact and Benefit Agreement and also managing
25 Inuit-owned lands.

26 There is a Mary River Project Committee, and they
27 are -- QIA established the Mary River project

1 committees in the communities that are Arctic Bay, Cape
2 Dorset, Clyde River, Hall Beach, Igloolik, Kimmirut,
3 and Pond Inlet. The Pond Inlet Mary River project
4 consists of Caleb Sangoya, Jaswir Nakalookay (phonetic),
5 Kooneeloosie Nutarak, Jue Neer (phonetic), Enookie
6 Inuarak from QIA, James Eetoolook from the Hamlet
7 council, Jimmy Pitseolak from the Hunters and Trappers
8 Organization. So those are the NRPC members from Pond
9 Inlet. There are six committee members for the Mary
10 River project. The Mary River Project Committee has
11 recommended that -- you heard earlier from Caleb
12 Sangoya and also the Mary River project has indicated,
13 within the early revenue phase, that the terms and
14 conditions should be used as a foundation during the
15 final environmental impact statement. During --
16 because of the fact that Mary River -- Baffinland has
17 indicated that they want to change the project from the
18 original one. The amendments should be used as a
19 foundation during the early revenue phase of the Mary
20 River -- Milne Inlet project because the scope of the
21 project will be minimized as a result of mitigation.
22 Under T and C(1), 114 and 115. Yeah, 115 it is.

23 Perhaps as I proceed, Madam Chair, (OTHER LANGUAGE
24 SPOKEN). The Qikiqtani Inuit Association has made some
25 recommendations in -- under the certificate negotiated
26 by QIA and under the project certificate 005 for the
27 Mary River, the rules and terms and conditions should

1 be adhered to. QIA understands and strongly feels that
2 the Nunavut Impact Review Board's purpose and -- will
3 be preparing to make a decision and follow the terms
4 and conditions as requested.

5 The limitations on community consultations: QIA
6 continually consults with the communities and the fact
7 that some of the documents are not really translated,
8 and the Nunavut Impact Review Board, within the year,
9 are trying to adhere to see whether the certificate --
10 I will let Stephen Williamson Bathory elaborate.

11 MR. WILLIAMSON BATHORY: Thank you, David. There are
12 two points we would like to add to this slide based on
13 our experience with the early revenue phase review. We
14 would like to make a suggestion that, when NIRB
15 receives an application from a proponent, during the
16 conformity assessment -- there's usually a ten-day
17 period when NIRB is going through a document to
18 determine if it should proceed to the next stage in the
19 review. During that time, NIRB also performs a
20 qualitative assessment of the Inuktitut materials. So
21 much of the work that the communities do in reviewing a
22 project pertain to the materials that are put forward
23 to them. We understand that NIRB sets a standard of
24 executive summary and project overview translation.
25 For this review, that was the body of material that was
26 available to the community. In the past review, under
27 project certificate 005, there was a lot more material

1 available, and the quality of the material exceeded
2 what -- what the committees and the communities had
3 before them for this review, so a suggestion is that,
4 during the conformity determination, NIRB could --
5 could look at the quality of the Inuktitut material
6 before it's released for public review.

7 The other comment is, of course, this hearing
8 process will result in a project certificate, and NIRB
9 has responsibilities for monitoring the compliance of
10 that project certificate. We feel that -- that NIRB
11 could consider visiting the community to share the
12 results of their monitoring to be able to explain and
13 interact with the community, how is the project
14 certificate being used? We think it's an important
15 role for NIRB, and it's something that the communities
16 have always asked QIA to do. We're happy to play a
17 role there, but we would also encourage NIRB to
18 consider a post-project approval coming back to the
19 community to provide updates on compliance with the --
20 the project certificate.

21 MR. IRNGAUT: Moving on, Madam Chair. As I
22 am wanting all my comments -- all of the conditions be
23 provided and approved by all parties and be supported
24 by the Nunavut Impact Review Board. QIA feels that
25 appropriate mechanisms will be in place to effectively
26 monitor and manage the Mary River project in an
27 acceptable manner. Thank you very much, Madam Chair.

1 THE CHAIR: Thank you. Before we open the
2 floor to the community reps, does NIRB staff, NIRB ED
3 have a response to QIA?

4 MR. BARRY: Thank you, Madam Chair. Ryan
5 Barry, Nunavut Impact Review Board staff. I think,
6 Madam Chair, at this time we would just note those
7 recommendations from the Qikiqtani Inuit Association.
8 We certainly do appreciate that our goal in
9 coordinating both the technical review of submissions
10 and the -- discussing the results of monitoring
11 following approval of projects are critical. So we
12 like to have the communities involved in all stages.
13 So I think those are good suggestions, which we will do
14 our best to implement moving forward.

15 THE CHAIR: Thank you. Olayuk Naqitarvik.

16 OLAYUK NAQITARVIK: My name is Olayuk Naqitarvik,
17 and I have a question in regards to the first project
18 certificate that was negotiated. My question is, like,
19 it was repeated earlier. Like, there was no assessment
20 on wildlife done in the Eclipse Sound area. Would that
21 have to be renegotiated because it's different from the
22 original project certificate because of the early
23 revenue phase? So if I make sense. Thank you.

24 THE CHAIR: QIA?

25 DAVID QAMANIQ: Madam Chair, David Qamaniq.
26 This is what we're dealing with now because Baffinland
27 had changed -- had made an amendment to the project

1 certificate 005 for mining. It's still there, but they
2 want to do an early revenue phase. For that reason,
3 we're here.

4 THE CHAIR: Did that answer your question
5 properly?

6 OLAYUK NAQITARVIK: Sort of. It's okay.

7 THE CHAIR: What's your name?

8 TOMMY TATATUAPIK: Tommy.

9 THE CHAIR: Tommy Tatatuapik?

10 TOMMY TATATUAPIK: My name is Tommy Tatatuapik.
11 I am a resident of Resolute Bay representing the
12 elders. My question to Baffinland, their change to the
13 side of Bylot Island, the animals, wildlife in the
14 ocean, ocean wildlife, were they studied once they
15 decided to travel on the side of Bylot, Baffinland?
16 Thank you, Madam Chair.

17 THE CHAIR: QIA?

18 ENOOKIE INUARAK: Thank you, Madam Chair. I'll
19 ask -- it sounded like he was asking Baffinland. Or is
20 he asking QIA?

21 TOMMY TATATUAPIK: It's Baffinland I'm asking the
22 question to. Their desire to change their route to the
23 Pond Inlet site where the wildlife and ocean were
24 studied. They had said -- they were talking about the
25 depths of the ocean here on the site, and that's my
26 question.

27 THE CHAIR: So he's addressing this

1 question to Baffinland. It would be great if you could
2 ask QIA questions at this time. We're questioning QIA.
3 And Baffinland will answer you.

4 MR. CURRAN: Thank you, Madam Chair.
5 Oliver Curran with Baffinland. Thank you for those
6 questions. I'll -- I'll try -- I'll do my best to
7 address the questions you asked. The answer to the
8 questions, in short, is that the -- the water depths in
9 Milne Inlet and Eclipse Sound, the water depths or
10 bathymetry is very well understood. There is charts of
11 that information showing all of the water depths.
12 Offhand, I can't say exactly how deep they are, but
13 they vary, hundreds of metres deep, 200 metres, 300
14 metres deep. And with respect to the marine mammal
15 assessment that we did in that area, we have a very
16 good understanding from traditional knowledge of the
17 type of wildlife that occurs in the region, including
18 Lancaster Sound and Navy Board Inlet. We have
19 traditional knowledge maps in the impact assessment,
20 which clearly, for each animal studied, bowhead whales,
21 beluga, polar bear, we have maps showing that
22 traditional knowledge. We also have extensive aerial
23 survey coverage for Navy Board Inlet, Eclipse Sound,
24 and Milne Inlet, and we also have very good information
25 on the Lancaster Sound area as well. So all of that
26 information was taken into consideration in the
27 assessments that we did. Thank you.

1 THE CHAIR: Thank you. Please direct your
2 questions to the present intervenor. Any questions to
3 QIA? Josie Enuaraq?

4 JOSIE ENUARAQ: Thank you, Madam Chair. I am
5 Josie Enuaraq from Clyde River, representing the Hamlet
6 council. I just want to say I have no question. The
7 terminology gets longer and longer and you lose the
8 meaning. For example, somebody asked -- I'll use as an
9 example that had been negotiated regarding the route to
10 Steensby Inlet, and the question was asked would you
11 need to renegotiate your route to Milne Inlet? And I
12 would be able to say, yes, that would need to be
13 renegotiated. If you could answer like that, I would
14 appreciate that. Thank you.

15 THE CHAIR: QIA?

16 ENOOKIE INUARAK: The question asked regarding
17 the IIBA negotiations -- agreements, it states that, if
18 the project changes a lot, you would need to
19 renegotiate the project. Baffinland has agreed to --
20 to transport through Steensby Inlet with certificate
21 project 005. The amendment -- this was brought up as
22 an amendment to their project. The IIBA states that,
23 as an amendment, it does not need to be looked into
24 again, but -- it states that in the Nunavut Land Claims
25 Agreement, but after three years, we can re -- have
26 another look at the agreement, so we're trying to
27 understand if -- if Steensby Inlet is not being used,

1 JOSIE ENUARAQ: No. Thank you for clarifying
2 that, and I appreciate that.

3 THE CHAIR: Caleb Sangoya?

4 CALEB SANGOYA: Thank you, Madam Chair. I
5 have a question to QIA. The early revenue phase
6 stated -- project 005 states the project is for 21
7 years. If Steensby Inlet is not to be used for this
8 whole time, if Baffinland had stated -- whether you can
9 negotiate with them to change the scope, we -- can you
10 say to Baffinland that we need to start new
11 negotiations to the project 005 certificate? It seems
12 like we need to go outside of 005. It's obvious
13 Baffinland will use this side of Bylot to travel
14 through, and they will be doing their project for over
15 20 years. There's more than one deposit. There's two
16 and three, and we believe that Baffinland will ship
17 through our side the whole time, so I'm asking QIA:
18 Can you renegotiate with Baffinland for their change in
19 scope?

20 THE CHAIR: QIA?

21 ENOOKIE INUARAK: Thank you, Madam Chair. Our
22 employee will answer that question.

23 MR. WILLIAMSON BATHORY: Thank you, Madam Chair. Thank
24 you, Caleb. So, Caleb, you're very correct. Article 3
25 of the IIBA is what's called "the project description",
26 and specifically Section 3.3 of the IIBA speaks to
27 what's called a change in scope, as it's defined under

1 the IIBA, which is a different definition than NIRB may
2 apply, but you might hear that term used by both QIA
3 and NIRB.

4 Under the IIBA, a change in scope that would
5 require a renegotiation of the IIBA would have to be
6 something larger than an amendment to the project
7 certificate 005. So the way the IIBA is designed is
8 the IIBA is designed with project certificate 005 in
9 mind. If that's amended, then those amendments would
10 not require a new IIBA. The only way a new IIBA would
11 be required, in terms of this project, is if the
12 Nunavut Impact Review Board determined they needed to
13 conduct a whole new part 5 review, if there had to be a
14 brand-new project certificate, not an amendment to 005,
15 but a new project certificate, then the IIBA would be
16 subject to renegotiation. Because we knew the project
17 was likely to change over time. Right now it's gone
18 from a large proposed project to a smaller project.
19 During the last hearings, we were talking a lot about
20 could this be a 100-year project? What about deposits
21 2, 3, 4, et cetera. Because of that, the knowledge
22 that it's a very -- it's a project with a lot of
23 potential to develop, the IIBA was designed such that
24 it's reviewed and potentially renegotiated every three
25 years. So rather than trying to link the
26 renegotiations just to the project certificate, QIA and
27 Baffinland recognize that this IIBA, the agreement, has

1 to evolve with the project. It has to evolve with
2 Inuit, with the communities, and there's a list in
3 Article 22 of the IIBA, review and negotiation, which
4 focuses on the articles that should be modified over
5 time, and those articles focus on things like training,
6 education, employment, monitoring, the application of
7 Inuit qaujimanituqangit. The things that are actively
8 used in the IIBA are subject to modification with the
9 project. So I hope that answers your question. You
10 know, every three years the IIBA can be reviewed and
11 possibly renegotiated. Also if NIRB wants to convene a
12 whole new hearing based on a project change and NIRB
13 decides this would need a new certificate, then you
14 would also be looking at the same Article 22, review
15 and renegotiation.

16 THE CHAIR: (OTHER LANGUAGE SPOKEN)

17 CALEB SANGOYA: Madam Chair, at this time, it
18 is our understanding that the hunters in Pond Inlet,
19 some of them still go caribou hunting to the project
20 area. Only recently we heard that the tote road to
21 Mary River, they're going to be making a barrier for
22 safety purposes, such as tall as a human being. The
23 hunters use that and their sleds broke down and someone
24 even got injured. Under Article 12 -- can you respond
25 under Article 12 of the Inuit Impacts and Benefits
26 Agreement, like, would that be geared toward -- so we
27 need an alternate road as a result. When the fencing

1 is as tall as a human being, it's going to be too
2 difficult for hunters to cross that route, but we --
3 but by -- we have to travel by boat, and ship waves
4 cause our small boats to go through some really choppy
5 water, so we have to ensure the safety as a result, and
6 sometimes our wildlife is being chased away by
7 helicopters. So can we renegotiate under Article 12 as
8 soon as possible under the early -- to conform with the
9 early revenue phase? Can you respond from QIA?

10 THE CHAIR: QIA?

11 ENOOKIE INUARAK: Thank you, Madam Chair.

12 Enookie Inuarak. Caleb, in regards to your comments,
13 they are truly noted, and I'm going to try to ensure
14 that the Inuit Impact and Benefits Agreement truly
15 includes the comments such as the one you made, and
16 under Article 13, Stephen will respond to that.

17 MR. WILLIAMSON BATHORY: Thank you, Caleb. You ask a
18 very important question. Enookie Inuarak has just
19 introduced Article 13. Specifically there's provisions
20 in the Article 13 for QIA and Baffinland to work with
21 the communities to make sure that travel routes are
22 safe, that if there are adjustments that need to be
23 undertaken in the routes, that those are done --
24 planned with the community, well communicated to the
25 community, and there's even a provision to work on --
26 on mitigation measures. We've identified several in
27 the IIBA, such as additional fuel for detouring around

1 project infrastructure, but really it's -- the IIBA is
2 designed to cause a discussion and an ongoing
3 discussion with communities about how to ensure that
4 the -- the access and travel of Inuit is not impeded;
5 if changes have to be made, that those changes are
6 supported. So we think there's a tool in the IIBA.
7 When we were negotiating this agreement, we were
8 focussing so much on the land -- the land-fast ice in
9 Steensby Inlet. We also took the tote road into
10 consideration, but a lot of the thinking -- the initial
11 preparation work was related to detours on the ice
12 for -- more for Iglulingmiut than anyone else at the
13 time.

14 We understand that Baffinland has initiated
15 discussions with the HTO, and those will have to
16 continue. We did receive reports back about the one
17 incident on the tote road where a hunter carrying a
18 load on a qamutik had difficulty in crossing the tote
19 road. There was reported damage to the qamutik. Those
20 are things that -- that we believe we can work on to
21 not only improve but also to address that specific
22 situation as well.

23 THE CHAIR: Thank you. Questions only to
24 the QIA. Next is Eric Tungilik.

25 ERIC TUNGILIK: Thank you, Madam Chair. Eric
26 Tungilik from Hall Beach representing the youth.
27 Enookie already touched up on my question, so Caleb

1 already answered that. I have no questions.

2 THE CHAIR: Josiah Kadlutsiak?

3 JOSIAH KADLUTSIK: Thank you. Josiah Kadlutsiak

4 representing the elders. I want to ask a question.

5 Some of my questions were already asked, but I want to

6 ask for a clarification. Like, in regards to QIA, how

7 much has QIA approved Baffinland's requests so that

8 our -- the people are -- we represent will have a

9 clear -- a further clarification. Are you going to

10 continue to have ongoing talks with Baffinland in the

11 future? Thank you.

12 THE CHAIR: QIA?

13 ENOOKIE INUARAK: Thank you, Madam Chair.

14 Enookie Inuarak. I don't really understand your

15 question. What -- what kind of approval are you

16 referring to?

17 JOSIAH KADLUTSIK: Under the early revenue phase,

18 Baffinland had made requests, and -- and have their

19 requests been approved by QIA? Does that make sense?

20 Thank you.

21 ENOOKIE INUARAK: Thank you, Madam Chair.

22 Enookie Inuarak. The president of QIA and executive

23 members were in the community, but unfortunately the

24 president had to depart, and she did depart yesterday,

25 but the staff members and the executive member -- I am

26 representing the executive members, and that's why we

27 are here. The reason why we are here -- I don't know

1 exactly what will transpire, but as estimating evolves,
2 we will have a clearer understanding as to why -- what
3 we plan to do next.

4 THE CHAIR: Okay. Jimmy Pitseolak?

5 JIMMY PITSEOLAK: Thank you, Madam Chair. I
6 have a question. Maybe -- I have four questions I want
7 to ask. How come all of the jobs under the IIBA are in
8 Iqaluit? It appears that it should be confined to this
9 area because we are closest to the project, and also --
10 we also support HTOs. I wonder if the royalties can be
11 given to Pond Inlet and the fact that we want to
12 support the notion that employees at the mine be
13 allowed out to harvest wildlife and on-the-job training
14 and workforce ready (sic) programs be available in Pond
15 Inlet, that potential employees come to Pond Inlet to
16 be trained. And hunters sometimes don't have enough
17 gas when they go out hunting and, like, transportation
18 be made available for mine workers when they need to go
19 to work.

20 THE CHAIR: QIA?

21 ENOOKIE INUARAK: Thank you, Madam Chair.

22 Enookie Inuarak. I have exactly the same questions,
23 and I will try to -- we'll refer to our staff member
24 for an answer.

25 MR. WILLIAMSON BATHORY: Thank you, Jimmy. Stephen
26 Williamson Bathory, QIA. The first question was
27 related to the jobs under the IIBA, so I'm assuming

1 that's specifically the positions listed under the IIBA
2 of which there are a number, so there is a -- for both
3 QIA and Baffinland, there's an IIBA coordinator and
4 manager. There is a training and implementation
5 coordinator. There are two environmental monitor
6 positions as well. Those are the positions specific to
7 QIA, so four positions that would be created. You're
8 correct. At present, QIA has decided to place those
9 positions in Iqaluit. We have heard a lot about the
10 desire of Pond Inlet to move some or all of those
11 positions to Mittimatalik, and those discussions
12 continue with the QIA executive and board, so I'm not
13 able to -- to inform you any more, other than to report
14 that those discussions are ongoing.

15 The second question you asked about was whether or
16 not royalties could be given to Pond Inlet. You're
17 correct in raising that. There are provisions under
18 the IIBA for QIA to receive payments from the project
19 as the project is producing iron ore. That's really a
20 separate discussion. QIA will come back to the
21 communities to -- to focus on how those royalties will
22 be managed. That's a discussion we know Pond Inlet is
23 eager to have, but it is a separate discussion than
24 this meeting. Again, that's a discussion taking place
25 within the QIA board.

26 You raised a question about workforce training in
27 Pond Inlet. We do recognize that training is one of

1 the most critical components of unlocking and opening
2 the benefits of the project to the Inuit, growing the
3 workforce and advancing the workforce. So that will
4 continue to be a major focus of the efforts of the
5 executive committee under the IIBA and the management
6 committee of the IIBA. I believe Baffinland touched on
7 some of the options relative to heavy equipment
8 training in Pond Inlet early in the week.

9 You also raised a comment specific to support for
10 hunters, if they, at times, don't have enough fuel
11 while they're hunting. Again, that same article we
12 were just speaking about in relation to the questions
13 that Caleb raised, there are provisions to assist to
14 provide fuel in cases that hunters have to detour
15 around the project infrastructure. There could also be
16 other mechanisms looked at. Caleb introduced, as well,
17 the community wellness fund, which is Article 12 of the
18 agreement, and the possibility for applications to come
19 for funding under the agreement from that avenue as
20 well. Thank you.

21 THE CHAIR: Thank you. And a reminder,
22 please try not to use acronyms and speak clearly and
23 close to the mic because we have a hard time trying to
24 hear your response.

25 Thank you. Tim Soucie?

26 TIM SOUCIE: Thank you. Question 1: Have
27 youth been invited to community consultations or have

1 they been consulted directly? Question 2: Under
2 protecting and promoting Inuit rights, does the
3 community have the right to vote to have ore shipped
4 through Pond -- by Pond to Milne Inlet? Thank you.

5 THE CHAIR: QIA?

6 MR. WILLIAMSON BATHORY: Thank you for your question,
7 Tim. Your first question, in terms of youth
8 involvement, when QIA originally created the Mary River
9 project committees, the review committees in seven
10 committees to review the -- the initial application, we
11 specifically wrote into the terms of reference that
12 youth members should be participants on those
13 committees. Those committees received their membership
14 from -- from nominations of the community and then
15 appointment by QIA. So certainly there has -- there
16 has always been opportunity to attend through the Mary
17 River project committees specific to the review of this
18 file, the early revenue phase application.

19 In terms of Qikiqtani Inuit Association's
20 consultation and community interactions, those take
21 many different forms. Sometimes it's through public
22 meetings, through radio sessions, through community
23 visits. QIA has its own youth department that
24 facilitates activities across the region. So those
25 would be the ways in which -- which youth interact with
26 QIA, both on the project and as a whole.

27 Specific to your second question, does the

1 community have the right to vote on ore shipments?
2 The -- the process we have followed is -- is the -- the
3 bylaws and procedures established by QIA as a
4 designated Inuit organization, whereby QIA makes its
5 decisions on a majority basis either through the QIA
6 executive or the board of which Pond Inlet has
7 representation.

8 In terms of a community decision on the
9 acceptability of the ore shipments. That's never --
10 never come up in any of our meetings as a request to
11 facilitate decision-making or support or -- or a form
12 of decision-making vis-à-vis QIA and the community.
13 It's never really been raised. Within our board, as
14 decisions were made on the Mary River project specific
15 to ratifying the Inuit Impact and Benefit Agreement, as
16 well as the commercial production lease, the board did
17 defer to the decisions of the members from Pond Inlet
18 of which there were four members at that meeting. So
19 we feel Pond Inlet was very much entrenched in the
20 decision-making for the principle agreements for this
21 project.

22 THE CHAIR: Questions to QIA. Jamisee?

23 JAMISEE ATAGUTAK: Thank you, Madam Chair.

24 (OTHER LANGUAGE SPOKEN) The blasting will get very big
25 at the mine if the project is approved.

26 THE CHAIR: Can you repeat the
27 translation? I don't think you were heard.

1 JAMISEE ATAGUTAK: If the early revenue phase is
2 approved, blasting at the mine site will increase and
3 that place is Inuit-owned land. My question will be:
4 The terrestrial animals have been discussed. I have
5 not heard discussion of small animals. Madam Chair,
6 have QIA negotiated with Baffinland, when they are
7 blasting for ore, these small animals: Lemmings,
8 weasels, and ptarmigan? And during the winter, we do
9 have snow buntings up in that area. These types of
10 animals have dens and holes in hills everywhere. For
11 that reason, when blasting starts, these small -- small
12 wildlife will be affected, and they will be killed,
13 especially the lemmings, as they have dens and young in
14 their dens, along with weasels inside the earth. Have
15 you negotiated with Baffinland on these animals being
16 affected? That's my question.

17 THE CHAIR: QIA?

18 MR. WILLIAMSON BATHORY: Thank you, Jamisee. Stephen
19 Williamson Bathory, QIA. That's really the purpose of
20 this meeting. The Nunavut Impact Review Board is going
21 to set the terms and conditions for -- for how the
22 project should operate relative to wildlife and the
23 environment. In terms of the smaller animals you're
24 talking about, the impacts on their dens from blasting
25 of iron ore or the quarry sites or the burrow sites
26 where they're going to take the sand and gravel to
27 build the infrastructure, Baffinland was required to

1 look at all that following the guidelines from the
2 Impact Review Board. It's not really a point that QIA
3 is able to negotiate on. We're participating in this
4 public process to ensure that appropriate terms and
5 conditions are included. Baffinland could -- could
6 further speak to what they have done on those species
7 relative to their project planning. They have -- they
8 have certainly looked at the impacts to wildlife from
9 blasting, but QIA is not in the best position to give
10 you a specific answer on that question.

11 THE CHAIR: Can we please try to stick
12 your questions and comments to QIA only, what they
13 presented. Any questions and comments you have only to
14 QIA. We will hear from others after. Right now we are
15 accepting questions, comments only to QIA.

16 STEVE SARPINAK: Thank you, Madam Chair. I am
17 Steve Sarpinak. I have a question for the QIA
18 representatives. These documents, once they go
19 overseas and when these ships go to Rotterdam, when
20 this project goes ahead, have you planned for these?
21 Have you planned for passports? If you are employed on
22 a ship and -- will Inuit be able to go along on the
23 transport ships overseas? That's my question. Thank
24 you.

25 THE CHAIR: QIA?

26 MR. WILLIAMSON BATHORY: Thank you. Williamson
27 Bathory, QIA. Thanks for the question, Steve. That

1 was a topic that, I believe, has long been discussed
2 with NIRB. It's -- included in their guidelines is the
3 safety of passengers and following the -- the laws of
4 international passage of project employees that may be
5 on ships. It's not something that QIA can specifically
6 speak to. We know it was put in the NIRB guidelines.
7 We know that Baffinland has reported back on them. At
8 the final hearings we had in Iqaluit, NIRB had
9 requested that the -- I believe it was the Canadian
10 Border Service appeared. They were involved in the
11 review to make sure that Baffinland's shipping plans
12 would follow the Canadian -- Canadian laws required.
13 The only employees that -- that QIA may have a
14 relationship to, in terms of the vessels, would be the
15 ship monitors. We are looking at the IIBA, Article
16 9 -- sorry, the Inuit Impact and Benefit Agreement, and
17 there is a provision for onboard ship monitors within
18 the Nunavut settlement area to observe the impacts to
19 wildlife that may be occurring from the ships. Where
20 those people get on the boats, where they get off the
21 boats, Baffinland would have to speak to that. Those
22 are plans that we're not -- we're not really involved
23 in.

24 THE CHAIR: Thank you. Malachi?

25 MALACHI ARREAK: Thank you, Madam Chair.

26 (OTHER LANGUAGE SPOKEN) I'm going to be speaking

27 English primarily related to this early revenue phase.

1 If you look at QIA being our negotiator for the IIBA,
2 there -- and this early revenue phase, there is a
3 particular right Inuit have under Article 21. The
4 Inuit right of quiet enjoyment of IOL. If this early
5 revenue phase does go ahead, every one of Pond Inlet
6 parcels from Button Point all the way to Milne Inlet
7 will be impacted, not necessarily directly, but just
8 that right. The Inuit right of quiet enjoyment of
9 Inuit-owned lands will be trampled by this early
10 revenue phase shipping. I wonder if QIA has included
11 that in their review? Thank you.

12 THE CHAIR: Was the IOL properly
13 translated? Please no acronyms.

14 MALACHI ARREAK: Sorry. Inuit-owned lands.

15 THE CHAIR: QIA, Qikiqtani Inuit
16 Association? And please speak to the mic closer.
17 Thank you.

18 MR. WILLIAMSON BATHORY: Thank you. Williamson
19 Bathory, QIA. Malachi, thank you for raising that. We
20 do recognize that there are rights of quiet enjoyment
21 in the Nunavut Land Claims Agreement. We do recognize,
22 as you mentioned, there are further rights for Inuit to
23 manage Inuit-owned lands. The IIBA, as it was ratified
24 by the QIA board, it does represent the sum of benefits
25 that QIA negotiated for with the proponent for this
26 specific project. So quiet enjoyment was -- was taken
27 into consideration. There isn't necessarily a clause

1 on how quiet enjoyment balanced in the benefit package,
2 but certainly that was a key provision in the land
3 claim put in there for the purpose of being able to
4 define part of the Inuit negotiation position when they
5 approach a proponent in the review of -- of a major
6 project and the negotiation of benefits. So
7 specifically, unlike some of the other questions where
8 there -- there is, maybe, a direct answer in the IIBA
9 with a specific provision, quiet enjoyment of
10 Inuit-owned lands is -- is more of a generalized
11 provision. We could go through, separate from this
12 table, some of the key principles in Article 2, and --
13 and look at Article 2 from that -- that viewpoint.
14 Thank you.

15 THE CHAIR: Thank you. We were going to
16 let -- or get Government of Nunavut to present before
17 lunchtime, so right now I will say thank you to the
18 Qikiqtani Inuit Association. Later on in the
19 afternoon, there may be other questions that the public
20 can get back to, but let's get the Government of
21 Nunavut to give their brief summary. Qikiqtani Inuit
22 Association, do you have something else to say?

23 ENOOKIE INUARAK: Yes. Thank you, Madam Chair.
24 When I first started, I wanted to recognize our
25 negotiators, and I forgot an employee who represented
26 Pond Inlet in the negotiations, Malachi Arreak.

27 THE CHAIR: Government of Nunavut, please

1 come to the table to present your summarized
2 presentation, and then we'll come back after lunch for
3 questions to GN -- Government of Nunavut, I mean.

4 Presentation by the Government of Nunavut

5 RHODA KATSAK: Thank you, Madam Chair. I
6 will be going -- yes. We do have a summarized version
7 of our speaking notes. We had originally spoken to
8 some of these, but we have summarized them.

9 For those who don't know who I am, I'm Rhoda
10 Katsak. And I would also like to say, we have a
11 variety of certain things that we do in our office,
12 other than what we do -- I -- we have a variety of
13 different -- the Government of Nunavut's socioeconomic
14 assessment committee, which I will speak to later. We
15 have -- I'll have Peter Hale, who is seated beside me,
16 help me along the way as I speak.

17 We -- like I said, we have the Government of
18 Nunavut socioeconomic assessment committee which is
19 responsible for reviewing the potential
20 socioeconomic and -- like I said, we have a -- the
21 different things -- we have different programs. Like I
22 said, they are all -- there are different ones, the
23 socioeconomic assessment committee, and then we have
24 the development projects in the Nunavut settlement
25 area.

26 In the speaking notes, we had spoken to marine
27 issues and sea mammals, as to where they are going.

1 We'd like to ensure that they are properly monitored
2 and whether or not they will disburse into different
3 regions of the Nunavut settlement area and while there
4 is shipping going on during the early revenue phase.
5 We would also like to ensure -- we would also like to
6 ensure that the hunting -- that the hunting activities
7 aren't impacted, and it's presented under 109, the
8 project certificate 109 be in -- be -- at the technical
9 meetings held in Iqaluit, the proponent agreed to the
10 suggested amendment to project certificate 109 and
11 clarified that the results of the monitoring program
12 would be submitted as part of the NIRB's annual
13 reporting in the form of a hunter harvest study.

14 We would like to ensure that there -- that
15 there --

16 THE TRANSLATOR: Where is she?

17 MS. KATSAK: -- on the topic of -- we would
18 like to ensure that there is proper annual reporting
19 and that the hunter harvest study is submitted to the
20 various HTOs, then under the early revenue phase risk
21 analysis, and that we would like to ensure if it has to
22 be that their amendment to project certificate 109 --

23 THE TRANSLATOR: Where is she?

24 MS. KATSAK: We would also -- the GN
25 requested that project certificate and condition 109 be
26 revised to include Milne Inlet and Eclipse Sound as
27 locations to conduct marine mammal monitoring programs.

1 The Government of Nunavut has submitted this proposed
2 resolution to the Board. Under slide 4, on the topic
3 of public housing, the Government of Nunavut expressed
4 concern over the boom, bust, and closure effects of the
5 early revenue phase on rental rates. The Government of
6 Nunavut recommended a revision of project certificate
7 term and condition 149 to include the early revenue
8 phase and the decline in employment associated with the
9 shift from construction to operations in their -- in
10 their risk analysis.

11 Before the technical meetings commenced, the
12 proponent agreed that this condition should apply to
13 the early revenue phase and that the reference to the
14 early revenue phase terms and conditions is acceptable.
15 The Government of Nunavut has submitted the proposed
16 resolution to the Board under the public housing
17 demand. Again, on the topic of public housing, the
18 Government of Nunavut expressed concern over
19 socioeconomic monitoring and mitigation plans in the
20 early revenue phase. The Government of Nunavut
21 recommended that the early revenue phase be added to
22 the project phase sections -- terms and conditions 133,
23 133, 147, and 151. Before the technical meetings, the
24 proponent agreed that this condition should apply to
25 the early revenue phase and that they agreed with the
26 suggested wording, and this was submitted -- the
27 proposed resolution was submitted to the Board. This

1 matter relates to the Government of Nunavut's concern
2 regarding the timing and magnitude of fiscal benefits
3 as a result of the early revenue phase. Also the
4 work-ready program reporting is -- and the GN
5 is pleased by the inclusion of a status update on the
6 work-ready program in the addendum to the early -- to
7 the final environmental impact statement but was
8 uncertain about the method and manner of future
9 reporting.

10 Prior to the technical meetings, the proponent
11 agreed to include the early revenue phase in the
12 socioeconomic monitoring program. The Government of
13 Nunavut has submitted this proposed resolution to the
14 Board. And that the proponent had said that every --
15 that they would submit maps by February the 28th of
16 each year.

17 And this ends my -- my presentation.

18 THE CHAIR: We will ask questions to the
19 GN. Come back at 1:15 and ask questions to the
20 Government of Nunavut.

21 MS. KIEU: Madam Chair, legal counsel for
22 the Government of Nunavut, Cindy Kieu. We still have a
23 portion of our presentation on the wildlife side that
24 we have not started yet. Thank you.

25 THE CHAIR: Okay. So you still have
26 some -- okay. So some more presentation at 1:15 from
27 the Government of Nunavut.

1 (LUNCHEON ADJOURNMENT AT 11:57 AM)

2 (PROCEEDINGS RESUMED AT 1:15 PM)

3 THE CHAIR: Good afternoon. I understand
4 the Government of Nunavut is not finished with their
5 presentation. After their presentation, the general
6 public community reps can start asking questions to
7 their presentation. Go ahead.

8 MS. KATSAK: Thank you, Madam Chair, I'll
9 hand it over to Peter. I just want to apologize if I
10 was not clear in my presentation, and I apologize -- I
11 apologize for feeling rushed this morning. I'll hand
12 it over to Peter.

13 MR. HALE: Thank you, Madam Chair. Peter
14 Hale from the Department of Environment, wildlife. I'd
15 like to start with polar bears. Any time there's a
16 shipping activity, there is a risk of an accident.
17 This can result in the spill of petroleum into the
18 ocean. The risk of such an event is very, very low,
19 but in the unlikely event of a spill, polar bears in
20 the area could become covered in oil and die. The
21 carcasses may not all be recovered, and so there needs
22 to be an estimate of the number of bears killed so that
23 the hunters can be compensated in an appropriate
24 manner. The Department of Environment's reviewed
25 Baffinland's shipping and marine wildlife management
26 plan and found that it gives little consideration to
27 polar bears. We think that this could be increased.

1 We offer the following recommendations related to polar
2 bears: That the Nunavut Impact Review Board require a
3 detailed polar bear safety and response plan and that
4 it be approved by the government; that Baffinland work
5 with the government to establish baseline and
6 monitoring information on polar bears; and, in the
7 unlikely event of an oil spill either at sea or in the
8 costal zone, the cleanup plan and associated actions
9 work to minimize the impact on the polar bear.

10 I'd like to move to caribou. In the government's
11 view, Baffinland's monitoring plans for caribou are not
12 sufficient to properly identify any potential effects
13 of the project on the north Baffin caribou herd. We
14 suggest that the terrestrial environment working group
15 develop a comprehensive and collaborative monitoring
16 program for caribou in the north Baffin region. And
17 work has already begun in this regard, and we heard
18 yesterday how the Hunters and Trappers Organization
19 here would like to be part of this.

20 The next issue concerns the limited effectiveness
21 of Baffinland's plans to reduce the impacts of the haul
22 road or tote road traffic on caribou during periods of
23 low visibility. If the trucks will be on the road
24 during periods of low visibility, this situation needs
25 to be addressed. Given the low number of caribou at
26 the present time, it is our view that every effort
27 should be made to avoid killing caribou or causing

1 injury to them. The third issue is increased
2 harvesting in the north Baffin area as a result of
3 access by the tote road and Baffinland's hunting
4 policies. The government supports the harvest of
5 caribou and recognizes Inuit hunting rights under the
6 Nunavut Land Claim Agreement. The government would
7 like Baffinland to participate in any caribou harvest
8 monitoring program that is established by the
9 government and/or the hunter and trapper organizations.

10 So in summary for caribou, we'd like to offer the
11 following recommendations: A term and condition which
12 would require Baffinland to monitor the effects of the
13 mine and the roadwork in collaboration with the
14 government so that we can understand changes to the
15 north Baffin caribou population; that Baffinland put in
16 place additional measures to reduce the impact of
17 traffic on the road to caribou; and finally, that
18 Baffinland support any additional conservation measures
19 that may be implemented by the hunters and trappers
20 organizations or the government in response to a
21 decline in caribou numbers. Thank you, Madam Chair.

22 THE CHAIR: That is the end of your
23 presentation? Thank you. Before we go on to
24 questions, there was a question from the Board
25 asking -- apparently there was a translation regarding
26 fencing on both sides of the tote road as, like, so
27 many feet high. Is that true? Fencing all along both

1 sides of the tote road?

2 MR. MADSEN: Erik Madsen with Baffinland.

3 No, there is not fences along the tote road at all.

4 There's -- under the Nunavut Mines Safety and Health

5 Act, we are required to build certain-sized rock berms

6 where there is a big drop-off on the road so that

7 trucks won't go off the road. That's a requirement by

8 the Nunavut Mines Safety Act, but we do not have fences

9 along the tote road.

10 THE CHAIR: Okay. Thank you. Just

11 checking on the translation, since I'm just -- I'm not

12 wearing these pieces. Okay. Thank you. Questions to

13 the Government of Nunavut. Tommy Tatatuapik?

14 TOMMY TATATUAPIK: Thank you, Madam Chair. Tommy

15 Tatatuapik from Arctic Bay representing the elders of

16 our community. The question that I have to Peter Hale

17 with the GN, are there any -- I think that -- I think

18 that shorebirds and sea birds should be included in the

19 mitigative measures plan, should there be a spill out

20 in the ocean and in the -- and/or inlet -- in the

21 inlet.

22 Also, I -- there's a -- there's a spill over by

23 the Baker Lake area. There is a -- there is a pond

24 where -- there's a tailings pond over there where the

25 caribou often frequent to, and they go lick the water

26 that's tarnished with tailings. This could maybe

27 happen if there's a leakage of any type of -- of

1 anything, and it could be a danger to wildlife.

2 THE CHAIR: Government of Nunavut?

3 MR. HALE: It's Peter Hale. Thank you
4 for your question. I would agree. Any spill cleanup
5 program should take into account all wildlife, not just
6 polar bears, but I focussed on polar bears because it's
7 the territorial government's mandate to manage them.
8 In a few minutes, Environment Canada will be talking,
9 and I know they're responsible for migratory birds, and
10 they may wish to add to your -- to your question.

11 You mentioned that there's a tailings pond in the
12 Baker Lake area that caribou go to, and I think the
13 interpreter said that these waters are contaminated and
14 that it's not good for the caribou. Every effort will
15 be made with this project not to allow the caribou to
16 drink any contaminated water, and I think the company
17 could probably speak to the details of that better than
18 I could. Thank you.

19 THE CHAIR: Does that answer your
20 question?

21 TOMMY TATATUAPIK: Yes. Thank you.

22 THE CHAIR: Okay. Josie Enuaraq.

23 JOSIE ENUARAQ: Thank you, Madam Chair. I'm
24 Josie Enuaraq of Clyde River representing our hamlet.
25 We've often heard from the GN and other departments
26 that there are -- I think that -- I think that human
27 life is more precious than the lives of roaming

1 caribou. Thank you. I don't know how to say that any
2 better. Thank you.

3 THE CHAIR: Government of Nunavut?

4 MR. HALE: It's Peter Hale. Thank you
5 for your comment. I think all of us in this room would
6 agree with you that human life is extremely important.
7 Our objective is to ensure human safety and the
8 conservation of wildlife if this project goes forward.
9 Thank you.

10 JOSIE ENUARAQ: Thank you. Also -- and
11 another statement that may nullify making a mistake or
12 if I'm asking the wrong organization, there are
13 discussions of hunters needing assistance, and you
14 heard people say that there may be contracts available,
15 and elders who are becoming less able in body, those
16 without the homes, these types of people can be
17 contracted. And young people and old people don't seem
18 to be taken into consideration too much. Who would I
19 ask about that, Madam Chair? Thank you. That's all
20 for me.

21 THE CHAIR: Government of Nunavut?

22 MS. KATSAK: I did not understand part of
23 your subject. I'm sorry. You were talking contracts,
24 correct?

25 JOSIE ENUARAQ: Yes. Sorry about that. I'm
26 Josie Enuaraq. My question was that there -- people --
27 there were discussions about there being support for

1 hunters, and I was thinking that elders and elders who
2 are becoming less able in body be provided a safe place
3 and contracts provided for them, along with the youth,
4 not just hunters. That's what I was trying to say. I
5 hope I'm understandable. Thank you.

6 THE CHAIR: Government of Nunavut?

7 MS. KATSAK: Thank you, Madam Chair. I
8 understand his statement. The IIB -- Inuit Impacts and
9 Benefits are under QIA's jurisdiction. Perhaps they
10 could expand on that. Thank you.

11 THE CHAIR: Okay. Gamaili?

12 GAMAILI KILUKSIHAK: Whether it's an actual
13 question, I'm not too sure. I think it was yesterday I
14 talked about the laws of the north, in part, and, in
15 part, Canadian legislation. I talked of two things.
16 I, myself -- our discussions regarding animals, polar
17 bear, caribou, fish, to me, are less important than me
18 being sitting here. Your ships will be travelling
19 through our waters. That's my highest priority. Our
20 discussions regarding animals and people and jobs is
21 not as high a priority as your roadway through our
22 waters. As I said, your route through our waters is my
23 high -- biggest concern, and it's our biggest concern.
24 We know immediately Inuit laws. We know them. We
25 learned them from those who have passed on, and we
26 still hold on to them today. We know immediately that,
27 if the ship will -- ships will be travelling through

1 our waters, some of the animals or even fish will
2 suffer. Not immediately, of course, but I need support
3 for this. We do not want ships passing through our
4 waters for how many years, if I -- if I am clear in my
5 statements. I am Gamaili Kiluksihak. Thank you.

6 THE CHAIR: The Nunavut Impact Review
7 Board will take note. Thank you. The guy sitting next
8 to Ryan. What's your name?

9 ENOOKIE INUARAK: Thank you, Madam Chair. I am
10 Enookie Inuarak, QIA representative for Pond Inlet. I
11 have a question for the Nunavut Government. You have
12 in place, if there is a mine, that the mine cannot
13 become a community, families not live together, and
14 that is policy. Perhaps, so they won't have to build
15 more schools, hospitals. For that reason, in Nunavut,
16 mining -- mining will keep becoming more and more
17 popular in Nunavut, and looking at Mary River, it will
18 go for a long time. The first deposit is said to be a
19 little over 20 years' worth, and there are other
20 deposits near that first deposit. For that reason, the
21 Nunavut Government, when they don't want a mine to
22 become a community, Inuit families, they will continue
23 to be separate from each other, and problems will arise
24 within families, the children being left behind,
25 spouses left behind. That will create problems for
26 couples. For that reason, perhaps the Nunavut
27 Government planned for the affected communities how to

1 strengthen the families left behind for more support.
2 That is my first question. Has that been taken into
3 consideration, as the mine will be operating for a long
4 time, that perhaps you could even turn it into a town,
5 because of families' sakes, if I am understandable?

6 Thank you.

7 THE CHAIR: Government of Nunavut?

8 MS. KATSAK: Thank you, Madam Chair. Rhoda
9 Katsak. The thing you're talking about, Nunavut
10 Government not creating communities in mines, is that
11 what you're saying?

12 ENOOKIE INUARAK: Madam Chair, yes. I had heard
13 that the Nunavut Government won't allow mines to become
14 communities. If that's to be the case, families will
15 be separate -- separated within the mining area. They
16 have a plan, Baffinland and QIA, that families will
17 support -- they will support families, and this is more
18 of a government issue. Have you taken this into
19 consideration? Thank you, Madam Chair.

20 MS. KATSAK: The lands that they want to
21 mine on are on Inuit-owned lands, and they would
22 need -- and they would need a higher level of
23 government than Nunavut to create or disallow them from
24 becoming a settlement. What you're talking about is
25 taken care of here for the affected communities, and
26 our statements -- in our first statements, the Nunavut
27 Government are the chair for all of Baffin and other

1 regions in the Kivalliq and Keewatin. They are the
2 chair, and they hold meetings to find out how the
3 communities are affected by mining or big projects.
4 The socioeconomic monitoring committee, I believe,
5 meets, whenever possible, twice a year, and they are
6 mandated to meet annually. Recently this December, we
7 met in Cape Dorset. We are the monitors here on how
8 these projects are changing or affecting in good ways
9 or negative ways, and community representatives join us
10 for our meetings. We welcome them to our meetings, we
11 have discussions with them, people from government,
12 federal government, other people that we are working
13 with, for socioeconomic impacts. And from there, we
14 can delegate the -- we can -- we always need to give
15 reports to NIRB about what we discussed and what we
16 were informed by the communities, and I can state that,
17 Madam Chair.

18 THE CHAIR: Okay. Thank you. Ask your
19 question, Liza Ningiuk.

20 LIZA NINGIUK: Thank you, Madam Chair. My
21 question, I don't know if it's directed at GN, but it's
22 a great question, and -- I'll have two questions, and I
23 want my question answered, if possible. Because I had
24 not known about this, I get questions quickly. So --
25 and I will ask questions.

26 The first question, what has been planned for the
27 ship in case of an accident or if there was an oil gas

1 spill -- fuel spill? What -- what do you have in place
2 to replace those that had been affected? And we had
3 not heard about this at all. We in the high Arctic
4 have very big pieces of ice that are invisible and then
5 pop up into the surface. I don't know if the ships
6 will be using sonar. We do go tour ships once in a
7 while, but you can see the ice very clearly near the
8 ship. I don't think I've ever seen a block of ice
9 arise from the depths, but it's obvious that they're
10 visible on sonar. But we in the high Arctic have seen
11 where there were no ice at all and you see huge chunks
12 of ice float up from the sea bottom. Up there, the
13 glaciers are -- go right into the ocean, and pop up
14 into -- pop up out of the water. I don't know if it's
15 like that here. I don't know if this has ever been
16 taken into consideration, but the fact -- it's a good
17 idea to plan for accidents, but accidents do occur out
18 of the blue. Here in this area, this ship -- it's
19 obvious this ship will have travelled in the warmer
20 climates, and whether these ships have been up north
21 here, I don't know. So in case there was an accident,
22 what benefits would we gain from that?

23 And my second question, the custom used up here in
24 the north, when polar bear are killed by accident or if
25 they need to be killed, we are paid a certain amount of
26 money for that happening. So how -- I don't know
27 whether there are polar bear in the Milne Inlet, Mary

1 River area, but if a polar bear does come up and needs
2 to be killed, how much will the community be paid for
3 the polar bear being killed, and what plans do you have
4 in place for that? If you guys can't answer that,
5 perhaps other agencies who know the answers can answer
6 me later. Thank you.

7 THE CHAIR: The first question we can save
8 until Transport Canada gives their presentation
9 regarding shipping accidents. The second one, polar
10 bear defence kills, maybe Government of Nunavut, would
11 you have an answer for that?

12 MR. HALE: Peter Hale, Environment.
13 There is a requirement, if a polar bear is killed
14 either by a company or by a researcher, that there be
15 compensation to the community for such an occurrence,
16 and it is mandatory that any such occurrence be
17 reported to the local conservation officer and he or
18 she does an investigation. And the government has
19 memorandums of understanding with every Hunters and
20 Trappers Organization across the territory, and the
21 details of the compensation are in that document. I
22 cannot recall the exact amount of money that is paid
23 out, but I know it is several thousand dollars. But I
24 can either look it up afterwards, or perhaps you could
25 ask your Hunters and Trappers Organization to -- to
26 look at the document. So there is compensation for any
27 bear that is killed incidentally. Thank you.

1 THE CHAIR: Thank you. Liza, your first
2 question will be answered by Transport Canada later on.
3 Glenn, you had a question?

4 Nunavut Impact Review Board Questions Government of
5 Nunavut

6 MR. MCLEAN: Thank you, Madam Chair. My
7 question to the GN is that, around this table the last
8 couple of days, I heard questions being asked about
9 housing rents, that people working out at the mine site
10 have experienced a large housing increase. Has the
11 GN -- has the GN identified some ways of helping people
12 plan these huge increases in housing rents, and are
13 they forming some kind of policy to assist them?

14 MR. KAMERMANS: Hello. My name is Lou
15 Kamermans with Government of Nunavut. Will I have to
16 be affirmed to give an answer?

17 THE CHAIR: Yes. Legal counsel.

18 MS. MEADOWS: Thank you, Madam Chair.
19 Teresa Meadows, legal counsel for the Nunavut Impact
20 Review Board. Could you please state and spell your
21 name for the record.

22 MR. KAMERMANS: My name is Lou Kamermans.
23 First name, L-O-U, last name, K-A-M-E-R-M-A-N-S.

24 LOU KAMERMANS, Affirmed

25 MS. MEADOWS: Thank you. You may proceed.

26 MR. KAMERMANS: That's a great question, and
27 thanks for asking it. We -- as an environmental

1 assessment co-ordinator, I specifically work with the
2 socioeconomic assessment committee, and a member of
3 that committee is the Nunavut Housing Corporation.
4 They've prepared speaking notes for me to bring to this
5 in the event that we do have a question about public
6 housing. In this case, we're talking about the public
7 housing rent scale system, which has been revised and
8 is actually meant to come into effect this February,
9 essentially Saturday. The main points I'd like to
10 identify about this new rent scale system is that it is
11 supposed to be much easier for people who are starting
12 to find new employment, and so they don't see such
13 sharp increases in their rent.

14 If I could just highlight a few points that I
15 think are the most important, would be that the rent of
16 any house or public housing unit would only be assessed
17 on the two highest income earners in the home that are
18 on the lease. Another point is that the most rent can
19 increase in any given year is 25 percent of what it
20 was. Another point is that the minimum rent threshold
21 will be based on the minimum wage here in Nunavut, and
22 the rent formula will now be based on a progressive
23 step-scale system, similar to taxation with the
24 government where the higher income earners will see
25 higher rate increases. So when I say the rent -- the
26 maximum a rent can increase is 25 percent in any given
27 year, that would be, of course, the highest possible

1 increase. So increases could be smaller.

2 If, for any reason, you have or need any more
3 clarification, I would strongly suggest that people
4 speak with their local housing organizations or,
5 probably easier, their tenant relations officers, and
6 they can explain this new system to you.

7 MR. MCLEAN: Thank you, Madam Chair. Glenn
8 McLean, Board member for NIRB. Another question that
9 I've heard come out of this group in the last few days
10 was the fact that employees of Baffinland, who are
11 going to be large taxpayers to the Government of
12 Nunavut, are having a bit of a -- I don't want to call
13 it a "problem", but, you know, getting to the airport
14 to make their shifts. Does the Government of Nunavut,
15 in the Department of Economic Development, are they
16 doing anything? Because with a huge project like this,
17 there's going to be economic opportunities, and the
18 Government of Nunavut, I think, is around to assist
19 small business development. Have they sat down and
20 planned any kind of small business development in the
21 north Baffin region in affiliation with whatever else
22 is involved? The IIBA, Baffinland. Is there a
23 party like the social economic committee identifying
24 any kind of small business opportunities for
25 entrepreneurs wanting to start up their business, like
26 a taxi business? I don't see one here, but there might
27 be one. But is there something -- is there a vehicle

1 involved there where the GN is actively participating
2 in the community development of a large-scale project
3 at the small business level? Thank you.

4 THE CHAIR: Government of Nunavut?

5 MS. KATSAK: Thank you, Madam Chair. In
6 the plans, in the parnautit -- under the GN, we call
7 "parnautit" with -- that relates to mining. There is a
8 section there which states that there would be some
9 funding available to help with small businesses. We --
10 while we have the economic development arm for the
11 Baffin region, there are plans in place for the
12 communities, i.e., for infrastructure. And the
13 communities could, perhaps, write recommendations as to
14 where they would like some help with infrastructure or
15 with development, and then we would go to the
16 communities to see what concerns that the communities
17 have, a five-year priority plan -- five-year priority
18 plan. We are also making plan -- making plans to visit
19 your communities, and we want to hear your views how
20 you would like to see -- what you would like to see in
21 your communities prior to mining and during the
22 operation of the mine. So I know we're going to be in
23 talks with the communities about this issue. Thank
24 you.

25 MR. MCLEAN: Thank you, Madam Chair. Glenn
26 McLean, NIRB Board member. That's -- that's really
27 good that you're planning that -- planning that

1 strategy, and I think it will help everybody. And
2 another topic that was brought up -- and I'm just
3 reiterating what people around the table have said. I
4 looked at the numbers. There's 162 people working at
5 Mary River project from around the north Baffin area.
6 That's going to generate roughly \$10 million worth of
7 outside income that the Government of Nunavut doesn't
8 have to take out of their budget to provide families
9 with income, but with that comes a pressure -- a larger
10 pressure on the daycare systems in north Baffin, if
11 they have daycares up here, because people are going to
12 be working at the Mary River site. And what happens if
13 their spouses here, whether they're male or female,
14 have jobs here in the community? Then there's going to
15 be more pressure put on the daycare system for people
16 to generate income to enjoy a lifestyle that they can
17 purchase and raise happy families in. Is the
18 Government of Nunavut looking at some kind of daycare
19 policy in conjunction with Baffinland or the QIA and
20 the IIBA to provide more daycare space and funding for
21 north Baffin residents? Thank you.

22 THE CHAIR: Government of Nunavut?

23 MR. KAMERMANS: Lou Kamermans, Government of
24 Nunavut. I can't answer that question directly, as I
25 am just a representative for multiple departments
26 within the GN. What I can say is that daycare falls
27 under the responsibility of the Department of Family

1 Services and the Department of Education, as they
2 transition their responsibilities and roles. I think
3 the best way forward right now would be for me to look
4 into this matter further and get back to you and see if
5 there's any specific information we have.

6 MR. MCLEAN: Thank you, Madam Chair. Glenn
7 McLean, NIRB Board member. Thank you for acknowledging
8 that and getting back to us. I'm sure there are people
9 that -- be waiting that response, and any help would be
10 greatly appreciated.

11 On that, like, again, there's going to be a lot of
12 new taxpayers in north Baffin, people that pay GST and
13 personal income taxes and payroll taxes that are going
14 to flow into the government coffers of Nunavut,
15 millions and millions of dollars if this project ever
16 goes. And with that, there's going to be a new
17 workforce emerge, and this workforce, if it does
18 emerge, is going to need training, and is the
19 Government of Nunavut -- and I don't know what's
20 happening over here -- committed to assisting people in
21 these communities with training, whether it's
22 secretarial or heavy equipment or pre-employment or
23 pre-trades, working with the QIA and Baffinland? Thank
24 you.

25 THE CHAIR: Government of Nunavut?

26 MS. KATSAK: Thank you, Madam Chair. I
27 apologize for the delay in answering. Right now, the

1 Nunavut -- the Government of Nunavut are involved in
2 training, and it's called "municipal organization
3 training". They tried to make plans in place and get
4 the community -- members of the community to train, and
5 then there are a variety of courses that they can --
6 they can come up with that people -- so that the
7 communities can be prepared and plan for the future.
8 Also, there was training recently over in Clyde River
9 and here in Pond Inlet, as well, and, also, Arctic Bay.
10 Thank you -- I apologize. It's -- the training took
11 place in Arctic Bay and Clyde River.

12 MR. MCLEAN: Thank you, Madam Chair. I'll
13 make this my last question. Glenn McLean, Board
14 member. This -- I'm trying to figure out this haul
15 road between Milne Inlet and Mary River and the amount
16 of traffic that's going to be put on it and the
17 equipment. And it's just the early revenue stage, and
18 they're going to be shipping 330 days a year, 150-ton
19 trucks. I'm sure -- I'm sure that it's going to create
20 some issues in regards to conflicts with wildlife and
21 other things. Is the GN in any way responsible -- have
22 any responsibility on this road? Because I think it is
23 a private road, so I'm just asking if the GN has any
24 responsibility on this road, or is it the mine --
25 mining company's responsibility to monitor -- monitor
26 it and report on any kind of occurrences? Thank you.

27 THE CHAIR: Government of Nunavut?

1 MR. KAMERMANS: Hi. Lou Kamermans, Government
2 of Nunavut. What we can say is that, according to the
3 North Baffin Regional Land Use Plan, where this road is
4 on Crown land, it would be the responsibility of the
5 federal government, and where this road passes over IOL
6 land, it would be the responsibility of QIA. And if
7 they would like to elaborate on this at a time when
8 they're at the table, then that might be best.

9 THE CHAIR: Is QIA still here? If you can
10 give that one answer? Thank you.

11 MR. WILLIAMSON BATHORY: Thank you. Stephen
12 Williamson Bathory, QIA. So thank you for the
13 question, Glenn. To provide the -- the shortest
14 response, the Milne Inlet tote road is actually
15 designated under the Land Claims Agreement as a public
16 access route. So while Baffinland has received a lease
17 right for access and activity, the public does have
18 access to the road. I think Oliver touched on, early
19 on in the presentation on Monday, the work that they've
20 initiated with the HTO of Pond Inlet around safety and
21 planning of the tote road. We do recognize the level
22 of activity will be quite extreme in terms of what
23 people are accustomed to. So there -- there are
24 provisions to have Baffinland work on -- on the safety
25 and operational planning aspects, but it -- it is
26 unique in that they -- the Land Claim had predesignated
27 this as a public access route. So somewhat different

1 than, for instance, the road with the Meadowbank
2 project where there was that -- that private ownership
3 provision that NIRB had to take into account. Thank
4 you.

5 THE CHAIR: Thank you. Next we have is
6 Josiah Kadlutsiak.

7 JOSIAH KADLUTSIK: Thank you, Madam Chair. I am
8 Josiah Kadlutsiak representing the elders of Igloolik.
9 First of all, I want to ask our Chair, the community
10 members of Pond Inlet, when will they have an
11 opportunity to ask questions or make their statements?
12 That's my question to you first.

13 THE CHAIR: The Pond Inlet HTO and Hamlet
14 were given opportunities to state their case, and they
15 can re-ask questions any time they want with you guys.

16 JOSIAH KADLUTSIK: The reason I asked -- perhaps
17 GN or Baffinland can answer me this. Human life is
18 important. Human life is important to us, especially
19 to those of us who are older. According to what I have
20 heard here, Baffinland has said -- I forget exactly
21 when they said it, here or in Iqaluit -- the older
22 people are expected to work in Baff -- at Mary River as
23 counsellors. What -- what plans does GN have to
24 support the employees at Mary -- at the mine? For
25 example, somebody said -- and it was true -- families
26 will be separated and problems may arise from that, as
27 they're away from each other for too long. It's

1 obvious there needs to be a socio -- you need something
2 for a good life. For example, the person who wanted to
3 ask himself would be better, but I understood exactly
4 what he wanted to ask, and for that reason, I'm saying
5 this. Whether Nunavut Government would provide support
6 or through Baffinland, to -- to provide a good, healthy
7 life, is there a program or support for employees to
8 have a good, healthy life? Thank you.

9 THE CHAIR: Government of Nunavut?

10 MS. KATSAK: Thank you, Madam Chair. I
11 believe part of his question pertains more to
12 Baffinland. They need to make sure their employees are
13 safe in the workplace, but it also states here -- and I
14 can look further into this -- whether health and
15 wellness in the Nunavut Government -- or a brighter
16 future, is it -- how employees can get more support in
17 their endeavours, or if they needed counselling. I can
18 look to that, and we'll get back to you.

19 MR. KAMERMANS: Lou Kamermans, Government of
20 Nunavut. I just think this might be an appropriate
21 time for the proponent to elaborate on their employee
22 family assistance plan and how this might help in
23 this -- these types of situations, where we're
24 concerned about the quality and continued quality of
25 life for employees.

26 THE CHAIR: Baffinland, did you want to
27 give a response?

1 MR. MISSAL: Thank you, Madam Chair. Greg
2 Missal with Baffinland. I guess maybe what I would add
3 to what Rhoda said is that the -- you know, health of
4 our employees and their families is the utmost
5 importance to us, Josiah. So we do recognize that. We
6 mentioned last night about the employee family
7 assistance program. We did talk about the elders at
8 site last night, as well, and, you know, really the
9 wellness of our employees is -- is -- is the reason why
10 we created a program like the work-ready training
11 program that we held in all the north Baffin
12 communities, because we wanted potential employees to
13 be aware of what working at a remote site was like and
14 the types of pressure that they may find gets put on
15 their families. Working at a remote mine site on a
16 two-week-in, two-week-out rotation isn't for everyone,
17 but for some people and their families, it works very
18 well, but it may be that it doesn't work for everyone,
19 and it's not right for everyone. That's a -- that's a
20 personal decision that people have to make in
21 conjunction with their spouses or with their families
22 to see if it's a right fit for them, but we do
23 recognize that we need to have healthy and happy
24 workers and healthy families, as well. Thank you.

25 THE CHAIR: Thank you. A couple more
26 questions to Government of Nunavut. We still have to
27 hear from the federal government agencies, Transport

1 Canada, Fisheries and Oceans, that everybody is very
2 interested about. So a couple more questions to GN.
3 Next we have is Ham Kalluk. Ham Kalluk?

4 HAM KALLUK: Thank you, Madam Chair.

5 First, I'll make a statement. Your discussions are
6 very good to hear, and they're all useful, beneficial.

7 I remember two things that nobody has talked
8 about. While the people just gave their presentation,
9 I will inform of this first. We've been discussing
10 ships all day travelling through Pond Inlet waters.
11 We've been discussing -- well, you've been discussing.
12 I've been just listening. I have a statement to make
13 to that. I, too, have statements to make that need to
14 be heard.

15 Regarding cruise ships, I must be understood that
16 we get lots of cruise ship visits here in the community
17 now. Nobody has said anything about cruise ships.
18 Discussions have been about carriers, and I heard some
19 negative statements regarding animals. But Pond Inlet
20 and Baffinland need to make an agreement for what Pond
21 Inlet community members desire. That seems to be the
22 only outcome to be expected. Tourists -- nobody has
23 said anything about tourist ships, how many there are.
24 Baffinland's ore transporter ships, those cruise ships
25 are added to in number. More than once, I have seen a
26 cruise ship that has arrived to the community here, and
27 I have heard that the cruise ships have gone into the

1 area where Baffinland is doing their project, and
2 nobody has said anything about this during this
3 hearing. I haven't heard any discussion of them here.
4 The cruise ships need to be taken into consideration,
5 also, by the bodies present, along with QIA, Qikiqtani
6 Inuit Association, and other bodies. I have not heard
7 this statement made. When cruise ships arrive, they
8 leave behind lots of money to the community. I know
9 that tourism hasn't been discussed because of funds,
10 because the ships are harassing the wildlife. I may be
11 wrong. If I'm correct, it just needs to be taken into
12 careful consideration.

13 If Pond Inlet will benefit from them like
14 Baffinland will, then that's okay. If Baffinland isn't
15 going to support Pond Inlet in its growth, that's
16 not -- that's not good, and if the animals are to be
17 harassed, that's not good, also. Small ships arrive
18 now. I have heard more than once that personal yachts,
19 sailing boats, have now arrived here, and still they
20 harass animals, too. Baffinland won't be the only ones
21 harassing the animals. The cruise ships, too, will be
22 harassing and bothering the animals. That is the first
23 statement I wanted to make, because I remembered that
24 nobody had discussed that. On Monday to here, I've
25 been here daily, and nobody has said anything about it.
26 The cruise ship people had statements and people had
27 statements to them, but nobody here has said anything

1 about the cruise ships, or maybe I wasn't paying
2 attention or didn't -- didn't hear you talk about it or
3 nobody talked about it, but that issue needs to be
4 seriously considered.

5 And the other item. Baffinland still has not
6 talked about what I remember. The reason I am saying
7 this -- well, because I remembered it. I'm thinking of
8 it -- thinking about it now. I think it was last --
9 the year before last when that big ship was up there
10 loading ore, I was up there, and I saw it. I went to
11 Milne Inlet with others. That giant boat, that huge
12 ship, when it was -- when ore was loaded onto it, ore
13 trucks would go there to deliver their load and return
14 empty, and I remember -- the reason I remembered is
15 Baffinland never discussed what was good or bad about
16 that event. They didn't say a thing about it. The
17 proposed dock -- proposed dock is all that's being
18 discussed. All -- the tugboat that was transporting
19 ore from shore to the ship was never discussed, whether
20 this was a good idea or bad. For that reason, I wanted
21 to say something about it. I wanted -- I kept wanting
22 to say something about it. How good or bad -- how good
23 or beneficial was the tug to load the ship? That ship
24 was huge. That was a barge. It was a huge ship that
25 was being loaded with a barge, and, for that reason, it
26 was probably chock-full when it finally left after
27 being filled up by the barge.

1 Those are my two statements. Thank you for giving
2 me the opportunity to state my two statements. It's
3 great listening to you guys, and thank you.

4 THE CHAIR: Okay. That first comment,
5 we'll -- the Board will keep that as information, and
6 the second comment, transporting iron ore already about
7 two years ago, and how did that go. Baffinland?

8 MR. MISSAL: Thank you, Madam Chair. Greg
9 Missal with Baffinland. I believe what Ham is
10 referring to is the bulk sample that occurred at Mary
11 River in -- in -- it would have been 2008. So about
12 five, five-and-a-half years ago now. That was the --
13 that's the only time that Baffinland took any iron ore
14 on a ship out of -- out Mary River. In 2008 -- and I
15 think, I mean, everybody in Pond Inlet is very familiar
16 with the bulk sample, because there was a lot of
17 employment of people from Pond Inlet at that time at
18 Mary River. There was 113,000 tons of iron ore that
19 were shipped out of Mary River on three smaller-type
20 ore carriers that came into Milne Inlet that summer.

21 The method that they were loaded, which Ham is
22 referring to, was very different than what we're
23 proposing for the early revenue phase. In 2008, the
24 ore was put on a small barge, the barge was then pushed
25 out to the side of the ship, and then the ore was then
26 scooped off of the barge and then dumped into the hull
27 of the ship. It was -- it was very -- it was a much

1 longer process than what you'll see happen with the
2 early revenue phase. With the early revenue phase, the
3 ships will be coming up closer to the shore, we'll have
4 what's called "ship loaders" that will load the ships
5 and load them relatively quickly, but the bulk sample
6 that was done in 2008 was -- it was very important to
7 the project. Most exploration projects or projects
8 that are on a path to be developed into a mine have to
9 go through what's called a "bulk sample phase", and
10 Baffinland did that at that time. So thank you.

11 THE CHAIR: Thank you. I think we're
12 starting to get off topic, and thank you very much,
13 Government of Nunavut, for your presentation. Next
14 we're going to have the four federal agencies present
15 together, and we can all ask them questions. That's
16 the Aboriginal Affairs and Northern Development,
17 Environment Canada, Parks Canada, and Natural Resources
18 Canada. If you can please put together your
19 presentation, that way the community reps can ask
20 questions to the federal agencies. Thank you. So
21 maybe a short summary by Aboriginal Affairs, another
22 short summary from Environment Canada, Parks Canada,
23 and Natural Resources, and later on this afternoon,
24 we'll have Fisheries and Oceans and Transport Canada.

25 Legal counsel, is there new people to get sworn
26 in? No. Go ahead, Aboriginal Affairs.

27 Presentation by Aboriginal Affairs and Northern

1 Development

2 MS. COSTELLO: Thank you, Madam Chair. Good
3 afternoon. I'll do this as quickly as possible,
4 realizing I stand between all of us and afternoon
5 coffee. My name is Karen Costello, and I am the
6 director of resource management in the Nunavut regional
7 office of Aboriginal Affairs and Northern Development
8 Canada. I am located in Iqaluit, along with my
9 colleagues who are attending this meeting. It really
10 is a great pleasure to be here in Pond Inlet and to
11 present on behalf of my department. I look forward to,
12 as we all are, looking to see the sun tomorrow as it
13 rises. I would like to thank you, Madam Chair, and all
14 of the Board members, along with your staff, for giving
15 us the opportunity to present to the community. I will
16 take a few moments to discuss why Aboriginal Affairs is
17 here.

18 The minister of Aboriginal Affairs and Northern
19 Development is a responsible minister. So what does
20 this mean, "a responsible minister"? It means that the
21 minister of Aboriginal Affairs and Northern Development
22 is a decision-maker. In this project, he is a
23 decision-maker under the Nunavut Land Claim Agreement
24 with regard to the process being conducted here by the
25 Nunavut Impact Review Board. Since the minister of
26 Aboriginal Affairs and other responsible ministers
27 approved the Mary River project with the terms and

1 conditions provided by the Nunavut Impact Review Board
2 in December 2012, Baffinland has proposed changes to
3 the project. These changes are what we all refer to as
4 "the early revenue phase", the subject of the Board's
5 reconsideration and for this hearing. The minister
6 will review the Board's report on its reconsideration
7 of the project certificate's terms and conditions once
8 this hearing is complete. The minister will then make
9 a decision on whether to accept, reject, or vary that
10 report, and NIRB shall amend its project certificate in
11 accordance with that decision.

12 There has already been some discussion on the Mary
13 River project and the status of the land. This map up
14 here shows the project area. In red, you will see
15 Inuit-owned land where the Inuit hold both the mineral
16 rights and the surface rights. In brown, you will see
17 the areas where it is Inuit-owned land, surface rights
18 only. There is a small portion, as you can see along
19 the route of the tote road, which is white, and it is
20 in this area that Aboriginal Affairs issues a Crown
21 land authorization. There also is the potential for a
22 Crown lease to be issued for a proposed ore dock at
23 Milne Inlet.

24 We just heard recently that the Qikiqtani Inuit
25 Association and Baffinland have reached some agreement
26 on some caribou protection measures that are required
27 under the North Baffin Regional Land Use Plan. Upon

1 presentation of those caribou protection measures to
2 Aboriginal Affairs, we will incorporate these caribou
3 protection measures into any existing Crown land
4 authorizations issued by our department.

5 So I'll get back to a little bit about what our
6 department has done with regard to the early revenue
7 phase. We have reviewed the environmental impact
8 statement provided by Baffinland. We looked at the
9 following areas: We looked at the impacts to fresh
10 water; we looked at the environmental implications of
11 the road, the port, and related infrastructure design,
12 construction, operation, closure and reclamation; we
13 looked at accidents and malfunctions and waste and
14 hazardous materials management; we took into account
15 socioeconomic considerations regarding the impacts,
16 mitigation, and monitoring. This included Inuit
17 harvesting, education and training, livelihood and
18 employment, and contracting and business opportunities.
19 In all these areas, we considered alternative and
20 cumulative impacts.

21 THE CHAIR: Slow down.

22 MS. COSTELLO: Sorry.

23 THE CHAIR: When you hear a beep, that
24 means -- that indicates "slow down".

25 MS. COSTELLO: Okay. Thanks. It is
26 important to note that we did not review the impacts
27 and conclusions related to shipping. We have

1 participated in all stages of the Nunavut -- Nunavut
2 Impact Review Board's review of the early revenue
3 phase. During the technical review comment phase, we
4 requested information or further clarification on
5 issues related to water quality and management,
6 dredging, road management, as well as the duration of
7 the early revenue phase activities. Baffinland was
8 able to address some of our issues through some
9 discussions we had with them, and also through official
10 responses to technical review comments. As we all know
11 now, we have received confirmation that the early
12 revenue phase is for the duration of the
13 already-approved project, so 21 years. Any other
14 issues, we have been able to resolve or get our
15 information through discussions with our fellow
16 intervenors.

17 Aboriginal Affairs also had the opportunity to
18 attend community information sessions in October hosted
19 by this Board and the Nunavut Planning Commission's
20 oral public hearings related to the transcription
21 corridor that is needed to support the early revenue
22 phase. And these oral public hearings were held
23 earlier this month, and we had staff attend these
24 meetings in Igloolik, Arctic Bay, Pond Inlet, Clyde
25 River, Grise Fiord, and Resolute.

26 Earlier this month, Aboriginal Affairs provided
27 our final submission related to the early revenue phase

1 to the Board. We found Baffinland's conclusions and
2 approaches to the areas we reviewed to be reasonable;
3 therefore, we did not have any recommendations for the
4 amendment of existing terms and conditions or the
5 inclusion of any additional terms and conditions on the
6 areas that we reviewed. This does not mean that
7 Aboriginal Affairs does not believe that other terms
8 and conditions may need to be changed or new ones
9 added. We are relying on experts with the other
10 Government of Canada departments who have a clear
11 mandate to comment on these areas, and my colleagues,
12 in the presentations that follow, will touch on these.

13 We did note, as I said, some concerns on marine
14 shipping, and we did -- have heard around this table
15 some -- a variety of concerns, and given the noted
16 concerns, we are supportive of careful consideration of
17 comments made by the public and other intervenors.

18 With regard to socioeconomic monitoring,
19 Aboriginal Affairs and Northern Development is an
20 active participant. We have approved the terms of
21 reference for the Mary River socioeconomic monitoring
22 working group that has been presented to the Board, and
23 we support this process of collaborative socioeconomic
24 monitoring of both the early revenue phase, as well as
25 the full project moving forward. To date, we have
26 participated in three socioeconomic monitoring
27 committee meetings since this project has been under

1 review and many in-person meetings with Baffinland, the
2 Qikiqtani Inuit Association, and the Government of
3 Nunavut and discussed socioeconomic issues related to
4 the project. We will continue to meet with all parties
5 as project activities increase.

6 Should the early revenue project activities be
7 approved, our department will continue to work with
8 Baffinland and other parties to ensure the project runs
9 in accordance with the terms and conditions of the
10 project certificate, monitoring requirements, and
11 management plans are met and delivered.

12 Our field inspection unit has travelled to the
13 Mary River site three times since April 1st, and they
14 have conducted inspections related to the water license
15 and also any Crown land authorizations. As activities
16 at the site increase, we will increase our inspection
17 schedule. As per our previous commitment during the
18 final hearing for the original project, we would be
19 happy to travel to any of the affected communities to
20 discuss the results of our inspections and other work
21 that we are doing in the future. Thank you very much.

22 THE CHAIR: Thank you. Next can we have
23 Environment Canada? Legal counsel.

24 MS. MEADOWS: Thank you, Madam Chair. It's
25 Teresa Meadows, legal counsel for the Nunavut Impact
26 Review Board. I just wanted to advise, Madam Chair,
27 that there are three different presentations that have

1 been provided by Environment Canada. This is slightly
2 different than what's already been filed in the hearing
3 for Environment Canada, and so we will file these as
4 the next three exhibits in the hearing record.

5 EXHIBIT 36 - Environment Canada Community
6 Roundtable Presentation on January 30, 2014,
7 (English)

8 EXHIBIT 37 - Environment Canada Community
9 Roundtable Presentation on January 30, 2014,
10 (Inuktitut)

11 EXHIBIT 38 - Environment Canada Community
12 Roundtable Presentation on January 30, 2014,
13 (French)

14 THE CHAIR: Okay. Go ahead.

15 Presentation by Environment Canada

16 MR. DAHL: Good afternoon, Madam Chair,
17 Board members, and elders, and community members, as
18 well as visitors to the community. My name is Mark
19 Dahl, and I will be providing a summary of Environment
20 Canada's submission regarding the proposed early
21 revenue phase.

22 These slides were created before we had a time
23 limit, so we may go through some fast. I will give a
24 very brief description of our role in the environmental
25 assessment, our recommendations, and a summary of our
26 proposed amendments to conditions in the project
27 certificate.

1 THE CHAIR: Can you speak closer? Thank
2 you.

3 MR. DAHL: I will also outline the
4 ongoing collaboration between Environment Canada and
5 Baffinland on migratory research -- migratory bird
6 research and emergency response modeling and planning.

7 Environment Canada screens and reviews development
8 proposals for potential environmental impacts falling
9 within our mandate. The areas that we review typically
10 relate to air quality, water quality and quantity,
11 emergency response, as well as migratory birds and
12 species at risk. Our responsibilities for
13 environmental management and protection are mandated by
14 the Department of the Environment Act. Environment
15 Canada's input to the review is also guided by federal
16 legislation, regulation, and policies, and these
17 include the Canadian Environmental Protection Act, the
18 Fisheries Act, the Migratory Birds Convention Act, and
19 the Species at Risk Act.

20 The majority of Environment Canada's
21 recommendations have been addressed through
22 clarifications and commitments by Baffinland. In this
23 presentation, I will outline some of the issues we
24 identified and how they were resolved. Environment
25 Canada recommended that monitoring be put in place to
26 ensure that the impact of truck and ship traffic on air
27 quality would be understood and so that mitigation --

1 mitigations could be put in place if the emissions were
2 higher than predicted or impacts were noted.

3 Environment Canada accepts Baffinland's assertion
4 that continuous monitoring of ship emissions should
5 focus on the ports where the idling ships will be
6 docked for long periods of time. Environment Canada
7 also acknowledges that dustfall monitoring is in place
8 along the tote road and at reference sites which will
9 ensure that the amount of dust produced by the trucks
10 will be understood and mitigations can be put in place
11 if impacts are noted.

12 When considering the activities associated with
13 the proposed early revenue phase, Environment Canada
14 was particularly interested in avoiding negative
15 impacts to migratory birds from land-based discharges,
16 as well as from shipping-related impacts. On
17 Environment Canada's recommendation, Baffinland has
18 committed to ongoing support for Environment Canada
19 research and monitoring of migratory bird sites along
20 the northern shipping routes -- route. The study will
21 be designed to tell us what is there now, and that will
22 help to inform monitoring and will help us to identify
23 and mitigate project-related changes, if they occur.

24 Environment Canada was also concerned with some
25 species -- that some species of migratory birds could
26 be at risk if larger-than-normal waves come ashore from
27 ship wakes. Shoreline surveys have indicated that the

1 shore habitat near the route is largely unsuitable for
2 foraging and nesting migratory birds, so wake impacts
3 are unlikely. To minimize shipping-related impacts,
4 Environment Canada also recommended limiting the number
5 of ships going to Milne Inlet each year. Baffinland
6 disagreed with this recommendation, indicating that
7 they require operational flexibility because they
8 cannot predict exactly how much ore they will need to
9 ship in a given year or the size of vessels that will
10 be available to carry that ore to market. Environment
11 Canada understands that operational flexibility is
12 necessary, but EC is of the opinion that there must be
13 a limit to that flexibility to ensure that monitoring
14 programs and adaptive management are appropriate.

15 With regard to the fresh water environment,
16 Baffinland's modeling indicated discharges of
17 wastewater from the water treatment facility at Mary
18 River could result in increased nutrient levels in the
19 river. Environment Canada is satisfied that the
20 aquatic effects monitoring program will include
21 nutrient monitoring and that mitigation will be
22 triggered if monitoring detects an issue.

23 With regard to the terrestrial environment,
24 Environment Canada was concerned that birds would be
25 disturbed by the increased air traffic into Milne Inlet
26 and that withdrawing water from Phillips Creek would
27 reduce the shoreline habitat available for migratory

1 birds. EC is satisfied that the number of flights at
2 Milne will not increase as a result of the ERP and that
3 proposed water withdrawal from Phillips Creek will not
4 impact water flows or bird habitat. EC is also
5 confident that the terrestrial manage -- environment
6 management and monitoring plan will include mitigations
7 to protect migratory birds.

8 Polar bears -- as we all know, polar bears are
9 important both culturally and economically, and it is
10 in everybody's best interest to avoid bear deaths as a
11 result of human-bear conflict. When reviewing the
12 early revenue phase proposal, Environment Canada noted
13 that no reference had been made to immobilization and
14 relocation of problem bears. Based on the successful
15 use of the technique in other locations, Environment
16 Canada recommended that Baffinland add this as an
17 option in their bear safety and response plan.
18 Baffinland accepted the recommendation and the
19 suggested wording.

20 With regard to environmental emergencies, during
21 the review of the ER -- sorry, the environmental -- the
22 early revenue phase proposal, Environment Canada
23 identified the need for additional spill, behaviour,
24 and fate modeling to inform spill response along the
25 northern shipping route. The predictions of spill
26 behaviour generated by the modeling, combined with a
27 good understanding of the resources at risk, will help

1 ensure that spill response equipment is effectively
2 deployed and resources are protected. Baffinland and
3 Environment Canada have entered into discussions
4 regarding spill response planning and will soon begin
5 working to identify the additional spill modeling
6 required.

7 As far as ongoing work is concerned, Environment
8 Canada is pleased to note that Baffinland has committed
9 to ongoing work to ensure that effective monitoring and
10 mitigation can be developed and implemented.

11 Environment Canada will continue to participate in the
12 marine and terrestrial working groups and looks forward
13 to Baffinland's collaboration in research and
14 monitoring of migratory birds along the shipping
15 routes, as well as to discussions regarding spill
16 modeling.

17 Madam Chair, I'm not sure if -- I have two slides
18 that refer to the research and whether you want to see
19 those, or in the interest of time, you would prefer to
20 skip them and just go to the summary? It's up to you.
21 They don't deal directly with recommendations, or ...

22 THE CHAIR: We do have the documents
23 here, the copies. That's okay.

24 MR. DAHL: Okay.

25 THE CHAIR: Yeah.

26 MR. DAHL: So just to give an overview of
27 the research that the project that we are undergo --

1 undertaking, we are looking at some thick-billed murre
2 colonies on Digges Island. In this study, the
3 researchers will scale cliffs, capture birds, take
4 measurements, and record data. Oh, I think I have --
5 sorry, wrong slide. So here you can see those
6 activities, and I must be honest, I wouldn't be doing
7 them. It's a little high for me.

8 Recent advances in the design of GPS tags have
9 made it possible to attach a small tag to the bird's
10 feathers so that the movements of the birds can be
11 tracked. These tags only stay on for about ten days,
12 but you can learn a lot in ten days. A small number of
13 birds were tagged, but the behaviour of these birds
14 gives us an idea of what the other birds in the colony
15 are doing. The signals from the tags are recorded, and
16 then the tracks are plotted on a map, which you can see
17 here. On this map, the different lines refer to birds
18 from different areas of the colony, and the map puts --
19 to put the map in context, this is the southern
20 shipping route, and it passes by the island at the top
21 of the map. The outcome of this research will inform
22 the monitoring of the murre population by showing us
23 what the birds are doing and how they behave even
24 before -- now, before Baffinland starts shipping. It
25 is hoped that work like this will make it possible to
26 identify and mitigate project-related impacts, if they
27 are observed.

1 As I mentioned earlier, the photos that I'm
2 showing here today are from work on Digges Island along
3 the southern shipping route. We are planning to come
4 and consult the community regarding similar work that
5 we're hoping to do at Cape Graham Moore in the coming
6 year.

7 In summary, the majority of Environment Canada's
8 recommendations have been addressed; however,
9 Environment Canada has proposed that a condition in the
10 project certificate, being number 8, be amended to
11 formalize the need for continuous monitoring of air
12 quality. Environment Canada also proposed a new
13 condition for the project certificate to ensure that
14 conditions that are broadly worded would be interpreted
15 as applying to the early revenue phase. We look
16 going -- look forward to ongoing work to ensure
17 effective monitoring and mitigation can be developed
18 and implemented through the working groups, and
19 Environment Canada also anticipates a productive
20 working -- work -- oh, jeepers -- partnership with
21 Baffinland in research and monitoring of migratory
22 birds. Thank you.

23 THE CHAIR: Thank you for your summarized
24 presentation. Parks Canada? Legal counsel.

25 MS. MEADOWS: Thank you, Madam Chair, Teresa
26 Meadows, legal counsel for the Nunavut Impact Review
27 Board. It is my understanding that we have two

1 presentations that are slightly modified from the full
2 presentations that were presented, and I'll now be
3 marking those two presentations, one in English and
4 Inuktitut and one in French, as the next exhibits in
5 this hearing.

6 EXHIBIT 39 - Parks Canada Community
7 Roundtable Presentation on January 30, 2014,
8 (English and Inuktitut)

9 EXHIBIT 40 - Parks Canada Community
10 Roundtable Presentation on January 30, 2014,
11 (French)

12 THE CHAIR: Thank you. Go ahead.
13 Presentation by Parks Canada

14 MS. STODDART: Thank you, Madam Chair. And
15 I'd just like to thank the Board, as well as all of the
16 affected communities that are here today, for giving
17 Parks Canada the opportunity to participate in this
18 process. My name is Allison Stoddart, and I'm an
19 environmental assessment specialist with Parks Canada.
20 I will start off with a brief overview of why Parks
21 Canada is involved -- oh, wrong button -- in the Mary
22 River early revenue phase proposal.

23 So first of all, the project is located near
24 Sirmilik National Park of Canada, and the project
25 proposes shipping through the waters of a national
26 marine conservation area proposed for Lancaster Sound.
27 So as you can see, Sirmilik National Park is surrounded

1 by the dark black. It's divided into four parcels:
2 Bylot Island, Borden Peninsula, Baillarge Bay, and
3 Oliver Sound. On this map, you can see the outline of
4 the proposed boundary for a national marine
5 conservation area, the boundaries which were announced
6 by the Government of Canada in 2010. So as you can see
7 in dark blue, this area includes Milne Inlet, as well
8 as Eclipse Sound.

9 So Parks Canada has a very broad mandate for
10 ecological integrity, culture resource management, and
11 traditional use, as well as visitor and user experience
12 within northern national parks. Sirmilik National Park
13 is cooperatively managed by Inuit and Parks Canada in
14 accordance with the Nunavut Land Claim Agreement, the
15 Inuit Impact and Benefit Agreement for the three
16 national parks on Baffin -- in the Baffin region,
17 excuse me, including Sirmilik National Park, as well as
18 the national -- the Canadian National Parks Act.

19 The Inuit Impact Benefit Agreement for these three
20 national parks identifies the purpose of the park,
21 which includes to respect the special relationship
22 between Inuit and the area, to ensure the long-term
23 protection of the migratory bird population and their
24 habitats in the park, and to encourage public
25 understanding, appreciation, and enjoyment of the park,
26 including the special relationship of Inuit to this
27 area, so as to leave the park unimpaired for the

1 future.

2 The other key piece for Parks Canada are national
3 marine conservation areas. Generally, national marine
4 conservation areas are established and managed under
5 the Canadian National Marine Conservation Areas Act and
6 are for protecting and conserving representative marine
7 areas for the benefit, education, and enjoyment of the
8 people of Canada. To give you a very brief orientation
9 to national marine conservation areas, the following
10 are some key features: They are multiple-use areas with
11 zones of high protection; they permit sustainable uses
12 such as fishing and shipping; they are managed for
13 ecologically sustainable use in collaboration with
14 other jurisdictions, particularly Department of --
15 Department of Fisheries and Oceans and Transport
16 Canada; they balance protection and sustainable use;
17 they prohibit hydrocarbon and mineral exploration and
18 development, as well as disposal at sea; and local
19 support and involvement is essential.

20 The establishment of a new national marine
21 conservation area is a five-step process, progressing
22 from the identification of a potential site through to
23 establishment under legislation. The proposed
24 Lancaster Sound national marine conservation area is
25 presently at the feasibility assessment stage, which is
26 step 2 of the process where Parks Canada, in
27 partnership with the Government of Nunavut and the

1 Qikiqtani Inuit Association, are consulting with Inuit,
2 local governments, stakeholders, and Canadians to
3 explore perspectives on the proposal's opportunities
4 and challenges and to compile background information
5 and Inuit knowledge. All of this will be used to
6 determine if a national marine conservation area is
7 feasible in this area. That step is nearing completion
8 with final boundaries a year or more away.

9 Further steps towards national marine conservation
10 area establishment will include the negotiation of an
11 Inuit Impact and Benefit Agreement and the development
12 of an interim management plan, including an interim
13 zoning plan. The national marine conservation area
14 proposed for Lancaster Sound is an important area for
15 Inuit and their ancestors, is an incredible biological
16 diversity, is essential for Inuit traditional uses, and
17 is the eastern entrance to the Northwest Passage.

18 With this broad mandate, Parks Canada's key areas
19 of interest related to the Mary River early revenue
20 phase proposal include visitor and park user
21 experience, sea birds, caribou, marine mammals, and the
22 effects of marine shipping on the marine ecosystem.
23 Parks Canada has identified possible impacts to visitor
24 and user experience through sight and noise from
25 aircraft and ships. There are also potential safety
26 issues for people travelling by water. One of the
27 original terms and conditions identified ways to reduce

1 potential impacts of shipping and aircraft on park
2 users such as Inuit and visitors. During the technical
3 meetings in November, Parks Canada and Baffinland
4 agreed to wording which would amend this term and
5 condition to improve communications regarding shipping
6 and aircraft schedules.

7 With regards to sea birds, caribou, marine
8 mammals, and the effects of ship -- marine shipping,
9 these are common areas of interest for Parks Canada, as
10 well as the Department of Fisheries and Oceans,
11 Environment Canada, Transport Canada, the Government of
12 Nunavut, and the Qikiqtani Inuit Association. In these
13 areas of shared interest, Parks Canada will rely on the
14 outcomes of the technical analysis by those other
15 organizations for our own evaluation and conclusions.

16 We would also like to note that Parks Canada has
17 requested a modification to an original term and
18 condition which would add Parks Canada to the marine
19 environmental working group to ensure Parks Canada's
20 continued involvement in advising on the protection of the
21 marine environment in the area of the proposed national
22 marine conservation area for Lancaster Sound.

23 That concludes our presentation, and, again, we
24 would like to thank the Board and the Board staff and
25 all of the affected communities for this opportunity to
26 participate in this process. Thanks very much.

27 THE CHAIR: Thank you. Next we have

1 National Resources Canada. Legal counsel.

2 MS. MEADOWS: Thank you, Madam Chair.

3 Teresa Meadows, legal counsel for the Nunavut Impact
4 Review Board. It's my understanding that we have three
5 additional documents that are the presentation
6 materials for the abbreviated presentations for Natural
7 Resources Canada, and we will be marking those as the
8 next three exhibits in the hearing record.

9 EXHIBIT 41 - Natural Resources Canada
10 Community Roundtable Presentation Materials
11 given on January 30, 2014, (English)

12 EXHIBIT 42 - Natural Resources Canada
13 Community Roundtable Presentation Materials
14 given on January 30, 2014, (Inuktitut)

15 EXHIBIT 43 - Natural Resources Canada
16 Community Roundtable Presentation Materials
17 given on January 30, 2014, (French)

18 THE CHAIR: Thank you. You may proceed.
19 Presentation by Natural Resources Canada

20 MS. CAVALLARO: Thank you, Madam Chair.
21 Before I begin this presentation, I would like to thank
22 the community of Pond Inlet for their hospitality and
23 the Nunavut Impact Review Board for organizing these
24 hearings and community roundtable. I would also like
25 to thank everyone attending the hearings and community
26 roundtable this week for expressing your views and
27 thoughts on the project and giving Natural Resources

1 Canada an opportunity to speak to you today. My name
2 is Kate Cavallaro, and I am a senior environmental
3 assessment officer at Natural Resources Canada. I am
4 here at the community roundtable to listen to concerns
5 being raised and answer any questions you have that are
6 related to the role and expertise Natural Resources
7 Canada is providing to the Mary River early revenue
8 phase project.

9 Just to start off, Natural Resources Canada is the
10 department responsible for federal policies and
11 programs, including science and technology research,
12 related to Canada's mineral, energy, and forestry
13 resources. For the Mary River project, the one
14 Baffinland refers to as "the bigger project", Natural
15 Resources Canada is a responsible minister department.
16 My department has a jurisdictional responsibility for
17 the project, as we may issue a licence for proj -- for
18 the proj -- for the facility that makes the explosives
19 at the mine site.

20 For the Mary River early revenue phase project,
21 Natural Resources Canada is providing advice from
22 scientists in the department who are involved in
23 research in the north. Specific to the changes
24 included in the early revenue phase proposal, this
25 would include expertise in permafrost, terrain
26 stability, and coastal geology. Permafrost is the part
27 of the ground that is always frozen. The construction

1 and operation of buildings and structures in permafrost
2 environments can result in warming and thawing of the
3 ground, which can result in landscape instability and
4 erosion, changes to drainage -- that being how water
5 moves through the ground and where it goes -- and
6 impacts on ecosystems. The tote road and Milne Inlet
7 port facilities were included in the approved Mary
8 River; however, for the Mary River early revenue phase
9 project, this scale and type of use that's associated
10 with the tote road and Milne Port is different. As
11 such, there is potential for increased effects on
12 permafrost and terrain stability. Because of this,
13 Natural Resources Canada looked at the potential for
14 changes to permafrost and terrain stability associated
15 with the tote road and Milne Port facilities. Natural
16 Resources Canada agrees with Baffinland's assessment.
17 With adequate engineering design, the impacts to
18 permafrost and terrain stability can be minimized.

19 Natural Resources Canada has also recommended that
20 certain conditions within the existing project
21 certificate 005 be applied to Milne Port and the tote
22 road. These conditions would mean that Baffinland
23 would take a closer look at the permafrost to
24 understand it and what will happen if it changes and
25 also to monitor if it is changing and make sure that
26 any change does not lead to impacts on the environment.
27 Baffinland has agreed to Natural Resources Canada's

1 recommendations.

2 Natural Resources Canada also looked at ship
3 traffic and whether the waves from ships may impact
4 shorelines around Milne Inlet. For the Mary River
5 early revenue phase, the amount of ship traffic in
6 Milne Inlet has changed from what was proposed in the
7 approved Mary River project. More ship traffic means
8 that there may be more waves and that these waves may
9 be moderate to large, which is more like what you would
10 see during a storm event. While Baffinland agrees that
11 the increased shipping would mean an increase in
12 moderate to large waves, they have predicted that the
13 area to be most affected is an area with low
14 biophysical sensitivity to waves.

15 While Natural Resources Canada understands what
16 Baffinland has said, we had some minor comments on this
17 subject. Natural Resources Canada was not able to
18 confirm, using Baffinland's information, that waves
19 from ships will not affect the physical shoreline, so
20 Natural Resources Canada is encouraging and suggesting
21 that Baffinland should confirm whether there are
22 important physical coastline features that are
23 susceptible to increased wave action from shipping.
24 Natural Resources Canada has also recommended to the
25 Nunavut Impact Review Board that Baffinland's continued
26 commitment to monitoring and adaptive management will
27 be important in confirming its predictions.

1 The Mary River early revenue phase project
2 includes more permanent structures at Milne Port; for
3 example, the ore dock. So Natural Resources Canada
4 also looked at how the structures at Milne Port would
5 affect how sediment, like sand, moves in the water
6 along the shoreline and whether this might lead to
7 things like erosion and changes to the shore beyond the
8 structures. Depending on its design, the ore dock may
9 change the way water moves sand along the shore, which
10 may lead to erosion and changes to things like Phillips
11 Spit. Baffinland has indicated that impacts to fish
12 and fish habitat from sediments would be covered by the
13 Department of Fisheries and Oceans permits, if these
14 are considered to cause serious harm to fish. And I'll
15 let my colleagues at the Department of Fisheries and
16 Oceans explain "serious harm", and they'll be up quite
17 shortly.

18 Baffinland has also said the Nunavut Impact Review
19 Board will require that the company have an
20 environmental effects program at Milne Port to confirm
21 the predictions that were made in the environmental
22 assessment. Baffinland is of the view that this
23 information will serve to inform the issue raised by
24 Natural Resources Canada related to near-shore sediment
25 transport.

26 While Natural Resources -- while Natural Resources
27 Canada understands Baffinland's position, we would like

1 Baffinland to consider design options that would allow
2 water to continue on its natural path so that sand and
3 sediment would continue to be transported along the
4 shoreline. Natural Resources Canada has also
5 recommended to the Nunavut Impact Review Board that
6 Baffinland's continued commitment to monitoring this
7 impact, as well as adaptive management, may be
8 important in confirming its predictions. That's it for
9 my presentation. Thank you very much.

10 THE CHAIR: Thank you very much. Before
11 we take questions for Aboriginal Affairs, Environment
12 Canada, Parks Canada, and Natural Resources Canada,
13 let's take a ten-minute break.

14 (ADJOURNMENT)

15 THE CHAIR: Okay. I'm just going to tell
16 people to please keep clean and watch your health.
17 Just another person got sick, so I don't know if
18 there's a virus going around, but watch yourself.
19 There's a couple more people that had to leave. Okay.
20 We have -- we heard presentations from Aboriginal
21 Affairs.

22 What are you going to say?

23 STEVE SARPINAK: Thank you, Madam Chair.
24 During the question period, I want to ask the
25 presenters. Thank you.

26 THE CHAIR: I was going to say, we heard
27 presentations from Aboriginal Affairs and Northern

1 Development, Environment Canada, Parks Canada, and
2 Natural Resources Canada. We can -- you can ask
3 questions to these four departments. After we hear
4 from them, we will be hearing from Fisheries and Oceans
5 and Transport Canada, but right now any questions to
6 these four departments, federal agencies.

7 Go ahead.

8 STEVE SARPINAK: Thank you, Madam Chair. Steve
9 Sarpinak representing Igloolik. The four presenters,
10 all of them, I ask them all -- maybe it's one question
11 pertaining to all. In regards to your assessment and
12 monitoring programs, when you were conducting your
13 monitoring or research, maybe an elder from Pond Inlet,
14 Arctic Bay, and Igloolik -- maybe you can include an
15 elder during your monitoring programs. So that is my
16 question. When you're conducting your monitoring, do
17 you have some Inuit assistance? Thank you.

18 THE CHAIR: Aboriginal Affairs?

19 MS. COSTELLO: Thank you very much for that
20 question, Madam Chair. Aboriginal Affairs is involved
21 with the socioeconomic monitoring group, and we have
22 many partners in that group, including the Government
23 of Nunavut, I believe the Qikiqtani Inuit Association,
24 and various representatives from -- from the
25 communities. I cannot speak if all of them -- if all
26 or some of them are Inuit, but I believe we have a fair
27 number of the representatives who -- who are Inuit, but

1 I -- I'm not aware of any elders, and we are not
2 involved in any research. The only monitoring we do is
3 through the socioec monitoring committee. I'll turn
4 this over to my colleagues now. Thank you.

5 MR. DAHL: Mark Dahl for Environment
6 Canada. We do run research programs. The migratory
7 bird research program that you saw on there on Digges
8 Island had Inuit staff. We also consult on those
9 programs, and we look for input to guide those
10 monitoring programs and that research, so -- thank you.

11 THE CHAIR: Thank you. Shelly?

12 MS. ELVERUM: Thank you, Madam Chair.
13 Shelly Elverum from the Hamlet of Pond Inlet. I would
14 just like to support what the delegate from Igloolik
15 just mentioned, and I'd like to point out that, for
16 everyone who has intervenor status, in one way or
17 another, likely has the ability to include Inuit in
18 meaningful ways, not just in data collection, but in
19 designing your research, in conducting the research,
20 but also in data analysis to make sure that the Inuit
21 voice is heard, and that it's -- understanding how
22 Inuit view these issues. Not just having Inuit
23 involved in a small part of the research, but in all
24 aspects of the research to make sure that the results
25 are satisfactory to the communities.

26 And I'm very glad that it was a young person who
27 pointed this out because we need your help to help

1 build capacity in the communities. Right now it is
2 very difficult for people to get proper training, and
3 each one of you who has a role as regulators has the
4 ability to build skills and to be able to give training
5 to people in the communities, so please consider that,
6 that whatever role you have in the future on this
7 project, to include the communities in meaningful ways
8 in all aspects of it. Thank you.

9 THE CHAIR: Thank you. David Irngaut?

10 DAVID IRNGAUT: Thank you, Madam Chair. David
11 Irngaut from Igloolik HTO. Maybe my question will be
12 directed toward Environment Canada. We all have been
13 talking about research and monitoring. Like, you're
14 going to have to do a lot of blasting to remove all the
15 iron ore in Mary River, and how do you monitor how far
16 the dust, after the explosion occurs, travels? Like,
17 during the springtime, I once got stuck due to spring
18 thaw near Arctic Bay and Igloolik and Pond Inlet waters
19 because the rivers start flowing. Do you know how far
20 the effects of the blasts travel? That's my question.
21 Thank you.

22 THE CHAIR: Environment Canada?

23 MR. DAHL: Mark Dahl for Environment
24 Canada. As far as how far the effects of the blast are
25 concerned, that unfortunately is not Environment
26 Canada's field. We look at the air quality and the
27 dust monitoring and the dustfall. And so the

1 monitoring that I know about was focused on the -- the
2 tote road and in the mine area. I don't know what
3 distance away that monitoring goes, and I don't know
4 enough about it to speak to it.

5 THE CHAIR: Who can answer regarding air
6 quality?

7 MR. DAHL: Mark Dahl for Environment
8 Canada. The blasting and the air quality effects of
9 mining would have been covered in the original EA,
10 would it not, for the larger project? So it would have
11 been examined. I don't know what the outcome was of
12 that. Maybe GN might have a better idea.

13 THE CHAIR: Okay. Do you have another
14 question, David?

15 DAVID IRNGAUT: Yes. I have a clarification
16 to my question or answer, concrete answer to my
17 question, and we all know, those of us who live here
18 year round, especially during the springtime, when the
19 ice is melting, like, any sediment from the sand or
20 whatever can -- contradicts to the melting, and like,
21 when the dust goes into the river, it might have an
22 impact on fish, so I want clarification on that, and my
23 fellow Inuit, like, we always travel between
24 communities, so we need to have full understanding, so
25 it's going to have a negative impact. Thank you.

26 THE CHAIR: Maybe I'll pass this on to
27 Baffinland.

1 MR. CURRAN: Thank you, Madam Chair. It's
2 Oliver Curran with Baffinland. Yes. So I can -- I can
3 add a little bit to the question there. So Mark Dahl
4 of Environment Canada is right. As far as blasting at
5 deposit 1, that was largely covered under the approved
6 project; however, we will -- what we're applying for is
7 the mining of an additional 3-and-a-half million tons,
8 so the blasting related to that quantity of ore was
9 assessed in our air quality monitoring -- sorry, our
10 air quality assessment, and so the outcome of that was
11 the additional mining of 3-and-a-half million tons. It
12 doesn't change our overall assessment because it's a
13 relatively small additional amount that we're adding.

14 Having said that, the aquatic effects monitoring
15 program that we're required to do under the type A
16 water licence that the Nunavut Water Board gives us,
17 under that, we have to have an aquatics effects
18 monitoring program to ensure that any effects from dust
19 on the aquatic are monitored, and if there are any
20 indications of an effect, then we have to do mitigation
21 to prevent -- to prevent that effect, so there's -- and
22 that aquatic effects monitoring program is -- is a
23 network of several sites in the Mary River, at Milne
24 Port, at the mine site, there's all sorts -- and
25 different lakes, Sheardown Lake, Camp Lake, all of
26 those areas are monitored in and around the mine site.
27 So thanks for that question.

1 THE CHAIR: Thank you. Charlie Inuaraq?

2 CHARLIE INUARAQ: Thank you, Madam Chair. I
3 have two questions to Environment Canada and also maybe
4 to DFO and also to Baffinland. The question that was
5 posed to Baffinland, I want to ask that question again,
6 Madam Chair. Like, sometimes you are going to have to
7 terminate some of your employees when the need is
8 required because if they overslept, for example, or if
9 they don't listen to their supervisors or if they break
10 any policies or laws. How long would they would be
11 suspended or would they be laid off permanently? Or
12 what is the status you have in place? At Nanisivik,
13 they were suspended for three -- we were suspended for
14 three months, and then after three months, we were
15 retained. So what policy do you have in place, first
16 of all? I want to hear that, Madam Chair. Thank you.

17 THE CHAIR: Baffinland?

18 MR. MISSAL: Madam Chair, it's Greg Missal
19 with Baffinland. Thanks for the question, Charlie. We
20 have a little bit of a different approach to situations
21 like that. We, obviously, try and sort things out with
22 any of our employees that we have at site. We have
23 people that -- we ask that they speak with their
24 supervisors or their managers if they have any issues
25 in terms of their work. We try and resolve matters
26 whenever we can at site. Hopefully we never have to
27 get to a situation where we are suspending or

1 terminating. We, obviously, want people to work hard
2 for us when they are at site. We want people who
3 follow the rules, who work safely so that they are safe
4 at site and so that other people are safe at site, so a
5 situation like a suspension would be a very last resort
6 or a termination would be a last resort, but we try and
7 sort those issues out before they become a problem at
8 site. Thanks, Charlie.

9 CHARLIE INUARAQ: Madam Chair, to add
10 supplementary, if you terminate that person, do they
11 have any -- are they terminated indefinitely? That's
12 my question.

13 MR. MISSAL: Thank you, Madam Chair. Greg
14 Missal with Baffinland. It would -- it would depend,
15 Charlie, on what they -- why they were terminated in
16 the first place and what the circumstances were around
17 that and if we felt that the person was ready to come
18 back to site, but it would depend on what the situation
19 was and why the person was terminated in the first
20 place. Thank you.

21 CHARLIE INUARAQ: Thank you, Madam Chair, for
22 the clarification. Secondly, maybe to DFO Canada.

23 THE CHAIR: We will hear further
24 information from DFO.

25 CHARLIE INUARAQ: Thank you.

26 THE CHAIR: Thank you. Levi Kalluk?
27 Maybe I'm wrong. This gentleman. Yeah, you. What's

1 your name?

2 TOMMY TATATUAPIK: Tommy.

3 THE CHAIR: Tommy Tatatuapik.

4 TOMMY TATATUAPIK: Tommy Tatatuapik, elder.

5 Officially an elder from Arctic Bay representing the
6 elders. My question will be -- Madam Chair, and I
7 don't know if any of the parties can respond to that, I
8 would be glad. It has not been mentioned yet, like,
9 what happened -- what transpired in Nanisivik. The
10 generators are ongoing 24 hours a day, and whenever
11 there is a cloud cover, like, there is a black soot
12 whenever there is overcast, and even it got blown to
13 our community, that black soot, and it stays -- like,
14 there was a sign that said "do not eat the snow from
15 this area". When you're an Inuit and when you're out
16 hunting and the weather is pristine, sometimes you tend
17 to use snow for water, and that smoke, apparently,
18 travelled far distances and fall over -- all over. So
19 I don't know whether the emissions from the generators
20 are dangerous because they are going on 24/7, and there
21 were four stacks. I know that might not happen with
22 Mary River project, but these emissions from these
23 generations (sic) tend to travel all over because of
24 the overcast of the skies. That's my question, so what
25 about that, Madam Chair? Thank you. If I can get a
26 response.

27 THE CHAIR: Maybe that would be

1 Environment Canada?

2 MR. DAHL: Mark Dahl for Environment
3 Canada. One of the products of burning diesel fuel or
4 running a big truck or a ship is black -- what's called
5 black carbon, and it's the soot you're speaking of. It
6 doesn't necessarily come in big pieces, but the
7 particles vary in size. Some settle fast; some take
8 longer to settle. Environment Canada is sampling for
9 black carbon. They do it in Resolute Bay and Alert.
10 We are looking at the historical record of black carbon
11 in ice cores. So you can look see -- by the layers,
12 you can see what black carbon looked like before and
13 what it's like now, as far as how much is there.

14 We are also going to be doing some modelling on
15 black carbon deposition in the Arctic, and that
16 modelling is expected to be completed in 2014 or 2015,
17 sometime relatively soon.

18 Environment Canada also cochairs an international
19 group that's working on reducing black carbon and
20 methane emissions in the Arctic, so the issue is known,
21 and we are working on it, but I don't know how healthy
22 it is to eat black snow.

23 THE CHAIR: Thank you. Are you going to
24 add supplementary?

25 TOMMY TATATUAPIK: Madam Chair, yes. I still
26 have some comment pertaining to that. Like, the
27 emissions coming from the -- these machines, even if it

1 falls on the ground, would be affected. Is that
2 dangerous to human health? Or by eating animals, would
3 that affect us, the emissions from these machines?

4 What is it like? Thank you, Madam Chair.

5 THE CHAIR: Environment Canada?

6 MR. DAHL: Mark Dahl, Environment Canada.
7 Environment Canada is looking at the deposition of it,
8 not the human health aspects of it. I cannot answer
9 that question. I hesitate to take an undertaking
10 because the record closes on Friday. I don't -- I
11 can't speak to that from Environment Canada's
12 perspective.

13 THE CHAIR: Ryan Barry?

14 MR. BARRY: Thank you, Madam Chair. Ryan
15 Barry, Nunavut Impact Review Board staff. I think, to
16 answer the gentleman's question, if Baffinland could
17 maybe highlight the results of its own air quality
18 emissions studies, so specifically what would the
19 impacts of your proposed project amendment be on air
20 emissions and effects around the project area?

21 THE CHAIR: Baffinland?

22 MR. CURRAN: Thank you, Madam Chair. It's
23 Oliver Curran with Baffinland. So I'll just start to
24 answer a bit of that question. I'll pass it on to
25 Richard Cook for the specifics of the assessment. So
26 as Mark Dahl from Environment Canada has indicated, the
27 issue of black carbon emissions is kind of on the

1 frontier stage, and Environment Canada has indicated
2 that they are doing Arctic-wide surveys related to that
3 issue. Baffinland is required to follow the
4 regulations for air emissions by Environment Canada, so
5 for our incinerators, for our power generators, for our
6 vehicle trucks, they all have to meet the various
7 Environment Canada standards, which we are doing.
8 Our -- our incinerator, we have to do stack tests that
9 meet Environment Canada regulations prior to the
10 startup of that incinerator. So that covers off the --
11 the regulated emissions. With regards to our
12 assessment, we were required -- as per the Nunavut
13 Impact Review Board guidelines, we were required to
14 assess dispersion modelling for sulphur dioxide,
15 nitrous oxide, and total suspended particulates, so we
16 did those assessments and -- and evaluated the
17 additional -- the additional production of 3-and-a-half
18 million tons, the transport of that material along the
19 tote road, and the loading of that on to ships in Milne
20 Port. In addition to that, we used emission factors
21 from the -- emission factors to calculate the amount of
22 dust generated from trucks on the road. And I'll let
23 Richard speak to how that was assessed and what the
24 outcome of that assessment was.

25 MR. COOK: Richard Cook on behalf of
26 Baffinland. I don't have a lot more to offer, other
27 than Oliver stated, but just to reiterate that carbon

1 black is soot, and it's -- it's been recognized as a
2 new emerging issue that Environment Canada is looking
3 into and other stakeholders. And that with the
4 assessment and with the project, Baffinland is applying
5 best practices in managing air quality and are meeting
6 the current regulations.

7 THE CHAIR: Thank you. Next we have
8 Malachi.

9 MALACHI ARREAK: Thank you, Madam Chair. Some
10 of the comments are contained in my letter. First of
11 all, Parks Canada and the Department of the
12 Environment, and I'll ask DFO later. The murre near
13 -- at the bay near Button Point, that's where they rest
14 on the cliff. And also the young, only after the ice
15 recedes where the murre -- baby murre are able to go
16 out to the ocean. Maybe that has not been monitored,
17 and also in regards to the national marine wildlife
18 area, at Lancaster Sound, when you're -- is that for
19 the protection of the marine mammals? That's why they
20 want to turn it into a national marine wildlife area.
21 Like, so it is going to be in the ocean so they -- I
22 wonder if the possible impacts on marine mammals and
23 birds is the reason why they want to create this marine
24 protection area? Like, sometimes they might not have
25 these marine mammals or bird species, and yet it's
26 protected. That's my question to DFO -- to Parks
27 Canada. I will ask DFO later.

1 THE CHAIR: Parks Canada?

2 MS. STODDART: Thank you, Madam Chair. And
3 thank you, Malachi, for the question. So you're
4 correct. If a national marine conservation area were
5 to be established, the -- basically in consultation
6 with Inuit and stakeholders, Parks Canada would
7 identify areas where different uses may conflict and
8 work to address these through a management plan for the
9 national marine conservation area, so there would be,
10 for example, zones for high protection, potentially,
11 where they might actually restrict some uses, and then
12 there would be zones of sustainable use. And so this
13 would all be determined through consultations in the
14 development of the management plan, as well as the
15 zoning plan for the national marine conservation area,
16 as well as -- there would also be an impact benefit
17 agreement worked out. So I -- I don't have the
18 details, obviously, at this stage because it's not
19 established yet, but -- but the whole purpose of a
20 national marine conservation area is for sustainable
21 use.

22 THE CHAIR: Do you have another question?

23 MALACHI ARREAK: Yes. Thank you, Madam Chair.
24 Maybe to -- or the other questions are for DFO because
25 DFO always comes to mind when we are talking about
26 shore. Maybe I will ask my question in English. It's
27 quite impossible to translate some of the English

1 words.

2 I'll switch to English for your benefit. I
3 believe Natural Resources brought up the erosion or its
4 surficial impacts. My question -- I wasn't sure
5 whether it was Natural Resources, Environment Canada,
6 or DFO. My question, which I raised in my written
7 submission, was what type of surficial environmental
8 impacts, such as erosion of important shore and habitat
9 and near-shore habitat destruction, has been
10 considered, especially in ecologically sensitive areas?
11 Thank you, Madam Chair.

12 THE CHAIR: Natural Resources Canada?

13 MS. CAVALLARO: This is Kate Cavallaro with
14 Natural Resources Canada. Natural Resources Canada
15 usually looks at the surficial environment and the
16 physical environment without considering the habitats
17 of animals or fish that are there. It's outside of our
18 area of expertise. So we rely on departments like
19 Environment Canada and the Department of Fisheries and
20 Oceans and the Government of Nunavut to inform us on
21 whether or not what's identified as changing in the
22 physical environment is actually going to impact
23 animals and fish. So I'm going to pass part of this
24 question on to Environment Canada, so they can give you
25 their part of the response.

26 THE CHAIR: Environment Canada?

27 MR. DAHL: Mark Dahl for Environment

1 Canada. Environment Canada did not look at erosion.
2 We did look at habitat, and we also looked at -- we
3 did -- Baffinland did some shoreline surveys, and Air
4 Canada -- and Air Canada, jeepers. Environment Canada
5 did some shoreline surveys, and -- and Environment
6 Canada did those -- sorry, looks at that shoreline data
7 from two perspectives: One is for spill response and
8 one is for migratory bird habitat.

9 The migratory bird habitat review we do is you
10 look at the video footage of the shoreline, and you
11 identify the areas that are suitable habitat for the
12 migratory birds, and you use that information to inform
13 a spill management plan so that the area can be
14 considered for protection as early -- as early as
15 possible, and the areas are known ahead of time.

16 From a spill response perspective, the shoreline
17 surveys are used to determine the type of shoreline and
18 what will happen to the oil when it hits that shoreline
19 and what will happen to the shoreline when the oil hits
20 it. So resources are understood. That's what the
21 shoreline surveys are for. I hope that helped.

22 THE CHAIR: Thank you. Another community
23 information. Apparently Solomon Qanatsiaq is going to
24 be medi-vacced, Eric Tungilik. Both of these people
25 were community reps. Eric Tungilik will be escorting
26 him. Again, we have not heard what is causing these
27 illnesses, but do be careful. Keep clean. This is

1 just information that is brought up. Thank you. We
2 didn't bring it.

3 Next we have is Paniloo.

4 PANILOO SANGOYA: Thank you, Madam Chair. I
5 just wanted to comment to Parks Canada. They missed
6 some information. I am part of the Parks Canada
7 working group, and they mentioned that they included
8 some Inuit. Yes. I am part of the working group. In
9 regards to ships and cruise ships and also the small
10 sail boats, we are starting to think as to how the
11 federal government can start to regulate the travels of
12 these ships because Canada has an opportunity to
13 regulate the movement of these ships. We have not had
14 a response yet as to exactly what we can do to regulate
15 small ships, and we don't want them to be disturbing
16 our lands too much near our community. Thank you.

17 THE CHAIR: Parks Canada?

18 MS. STODDART: Thank you. Thank you for
19 that. I'm not sure if it was a question, but I'll
20 agree with you in that, if a national marine
21 conservation area were to be established in the
22 Lancaster Sound area, that would be one capability of
23 Parks Canada would be to create regulations to manage
24 some of the movement of various sized ships in the
25 area. Again, without the national marine conservation
26 area being established, it's hard to say how that would
27 work. It would all be negotiated within a management

1 plan, as well as a zoning plan, but that is definitely
2 something that is a possibility. Thank you.

3 THE CHAIR: Thank you. Phillip?

4 MR. KADLUN: Madam Chair, thank you.

5 Phillip Kadlun, Nunavut Impact Review Board. My
6 question is to Natural Resources Canada regarding
7 coastal geology. On page 3 of your presentation, on
8 the top -- the top bullet, the question I have is --
9 first of all, just a question first. What is the depth
10 difference between the -- the coast out here, Eclipse
11 Sound or Milne Inlet, compared to Steensby Inlet? I
12 will get to my other question in a minute, Madam Chair.
13 Thank you.

14 THE CHAIR: Natural Resources Canada?

15 MS. CAVALLARO: Kate Cavallaro with Natural
16 Resources. I'm not sure I quite understood the
17 question. Could you maybe give me a bit more? Are
18 you -- are you looking -- are you asking me about
19 bathymetry between Eclipse Sound and Steensby?

20 MR. KADLUN: Maybe I'll put it in a way --
21 a different way. Have you compared the ocean depth
22 within the shipping -- proposed shipping corridor along
23 Eclipse Sound all the way to Milne Inlet? Have you
24 compared the ocean depth to the ocean on the other side
25 where Steensby Inlet is? Is that clear?

26 THE CHAIR: Natural Resources Canada?

27 MS. CAVALLARO: Kate Cavallaro with Natural

1 Resources Canada. Natural Resources Canada didn't look
2 at the depth but -- or the depth of water. We focused
3 our review more on -- on the shoreline and the water
4 washing up on the shore, so the ocean depth and how
5 that changes and the subsurface topography, I can't
6 speak to that. I'm sorry.

7 MR. KADLUN: Madam Chair, Phillip Kadlun,
8 Nunavut Impact Review Board. I'll ask my other
9 questions. Maybe -- maybe Baffinland can answer it or
10 somebody. Have there been any modelling on waves where
11 the ocean depth makes a difference in terms of how high
12 or how big those waves are? Thank you, Madam Chair.

13 THE CHAIR: Baffinland?

14 MR. CURRAN: Thank you, Madam Chair. It's
15 Oliver Curran with Baffinland. And thank you for that
16 question. I can actually add some -- I can probably
17 answer your first question relating to the depth in
18 Milne Inlet, Eclipse Sound as opposed to Steensby.
19 This map on the wall, that map right there, it's a
20 topographic map, so it shows the steepness of the
21 cliffs and the mountains all around the coastline, and
22 it also shows all of the depths of water. So Eclipse
23 Sound is an extremely deep waterway. You can have a
24 look at the map. I think the water rages 200, 300
25 metres deep, so it's -- it's similar to Hudson Strait.
26 The depth in Milne Inlet and Eclipse Sound is similar
27 to Hudson Strait. But generally the water depth in

1 this area and closer to Milne Inlet is much deeper than
2 Steensby Inlet. So Steensby Inlet close to the dock
3 proposed there was in and around 20 metres, 15 metres
4 deep, so Milne Inlet is much deeper.

5 And with respect to the height of the waves from
6 the -- from the ore carriers, we did model the -- the
7 height of the waves from the ore carrier. The larger
8 ore carriers for Steensby going into Eclipse Sound --
9 sorry, into Steensby Inlet, and we found that the waves
10 at distance from the ship would be about 5 centimetres.
11 So by the time the waves hit the shore, you're looking
12 at about 5 centimetres in height in Steensby Inlet. We
13 compared that to the width of the channels in Milne
14 Inlet and Eclipse Sound and the size of the ore
15 carriers. The size of the ore carriers we're using for
16 the early revenue phase are only around 30 metres wide,
17 as opposed to the 53 metres wide. So the wakes from
18 the ore carriers for the early revenue phase will be
19 smaller, and because of the depth of the water, when --
20 when a wave washes up on shore, like, in Pond Inlet or
21 anywhere else, as the water gets shallower, the waves
22 get higher. So because the water depth and the
23 shorelines are generally steeper and more deep in Milne
24 Inlet, that will further reduce any wakes washing up on
25 shore.

26 Another gentleman asked the question about the
27 sensitivity of shorelines. Like Mark Dahl mentioned,

1 Environment Canada did that analysis of sensitive
2 shorelines along Milne Inlet. They used the
3 photography and video that we took, that Baffinland
4 surveyed. They did their analysis, and in
5 comparison -- and we've done the analysis for Steensby.
6 In comparison, the shoreline in Milne Inlet is much
7 more rocky and is less suitable for nesting birds than
8 down in Steensby Inlet. So I hope that answers your
9 question.

10 MR. KADLUN: That is all, Madam Chair.

11 THE CHAIR: Thank you. I have a question
12 for Parks Canada. On your slide number 4, I think,
13 protected waters, if you can show that, please.

14 MS. STODDART: Are you talking about the map
15 for Lancaster?

16 THE CHAIR: Yeah. The map.

17 MS. STODDART: So that's the next one.

18 THE CHAIR: Next one, not this one. Not
19 this one. It's got the shaded -- yes. There. You
20 were saying -- there's the darker blue area there, the
21 protected water.

22 MS. STODDART: So those are the proposed
23 boundaries that were identified by the Government of
24 Canada in 2010, and what I mean by "proposed" is those
25 are the boundaries that we are using to negotiate and
26 look at the feasibility of whether or not a Lancaster
27 Sound national marine conservation area should be

1 established, and so -- and so for example, Parks
2 Canada, as well as the Qikiqtani Inuit Association and
3 the Government of Nunavut, have consulted -- actually,
4 just before Christmas with a host of communities in
5 this area to ask them, you know, what they think of
6 those boundaries, if they think they should be bigger
7 or smaller or in different areas, but this was used as
8 the starting point. So it's not protected yet, but
9 this is what we're using to start the discussions.

10 THE CHAIR: So what will this mean for the
11 application?

12 MS. STODDART: That's a good question. So
13 if -- so your question, I'm assuming, is -- is if
14 the -- the Lancaster Sound national marine conservation
15 area goes ahead and is established, basically, it will
16 have to go through the various phases of establishment,
17 which will first include negotiation on the actual
18 boundary, and then, following that, there will be an
19 impact benefit agreement negotiated with the affected
20 communities, and then we'll move into developing what
21 we call an interim management plan, and in the
22 development of that interim management plan, we would
23 obviously involve the proponent in that as well as all
24 of the stakeholders that are involved in the management
25 of the national marine conservation area. And so in
26 that management plan, there would be a zoning plan, and
27 the zones -- basically, in a national marine

1 conservation area, you can have zones of higher
2 protection and then zones of what we call ecologically
3 sustainable use, and so -- and so, again, we would work
4 with various stakeholders to identify those zones, and
5 so we would include the proponent in those -- in those
6 discussions as well. So in a national marine
7 conservation area, shipping is an activity that is
8 permitted, and so depending on the zones, we may ask
9 the proponent to move their -- you know, move the
10 shipping lane or identify certain times of the year
11 that -- you know, we would work with the proponent to
12 manage potential issues, but -- but it's a
13 sustainable -- we would -- shipping is -- is an
14 activity that is allowable.

15 THE CHAIR: Thank you. I'll leave it at
16 that for now. Caleb?

17 CALEB SANGOYA: Thank you, Madam Chair. I
18 have a question to AANDC, Aboriginal Affairs. On
19 January 25, the Department of Aboriginal Affairs had
20 said that they had to be (OTHER LANGUAGE SPOKEN). And
21 the other question -- or the other comment that the
22 Department had said that there would be no additional
23 regulations. Baffinland -- when Baffinland has their
24 hearing -- their hearing, if their project is to be
25 approved for the life of the mine. So the question I
26 want to ask, Madam Chair, in Pond Inlet, for several
27 years, we did not get an answer from AANDC. It's in

1 their document regarding the movement of our airport
2 and for docking facilities, and they're in AANDC's
3 documents. What projects that would bring change
4 without answering us first, would they be able to
5 answer us here and say there is nothing? I'd like an
6 answer first, and then I'll ask again.

7 MS. COSTELLO: Thank you, Madam Chair. Thank
8 you for that question. I think I might have lost
9 something in the translation for your first question,
10 so I'm going to ask that you clarify my understanding
11 of what you asked. You are asking Aboriginal Affairs
12 why it didn't recommend any more terms and conditions;
13 is that correct, sir -- or Madam Chair?

14 CALEB SANGOYA: Yes. That's what I'm asking
15 about, Madam Chair. Why didn't you -- why didn't you
16 add terms and conditions? You know, there's an Inuit
17 impacts and agreements for beneficiaries, but
18 government operations aren't included in the IIBA.
19 Items given to the AANDC by the Hamlet of Pond Inlet
20 for capital projects, why is -- aren't they included?

21 THE CHAIR: Would you mind reading that in
22 English, please, yourself so that there is proper
23 translation?

24 CALEB SANGOYA: Okay. Sorry about the
25 confusion. AANDC does not have any specific issues to
26 raise in this final submission to NIRB. It's not
27 recommending any specific amendments so existing terms

1 and conditions or inclusion of additional terms and
2 conditions, and Baffinland's response was Baffinland
3 agrees with AANDC that no additional project conditions
4 are required for the ERP. And another comment,
5 although no specific terms and conditions are being
6 recommended, AANDC has noted during the community
7 consultation sessions in early October 23, that there
8 were uncertainties expressed regarding the temporal
9 scale of the ERP, particularly in Pond Inlet.

10 The principal cause for concern in the communities was
11 the potential impact of shipping on the marine
12 environment, in particular, the impacts on marine
13 mammal populations. It has since been clarified by
14 Baffinland that the use of the tote road in the Milne
15 Inlet port facility to transport iron ore would
16 continue for the life of the project. However, concern
17 over the temporal scale of the ERP may persist in the
18 communities, as evidenced in recent correspondence by
19 the Hamlet of Pond Inlet, Hamlet of Pond Inlet comments
20 to NIRB November 12, 2013.

21 THE CHAIR: Aboriginal Affairs?

22 MS. COSTELLO: Thank you very much, Madam
23 Chair, for that clarification. Karen Costello for
24 Aboriginal Affairs. When Aboriginal Affairs submitted
25 its comments, its comments were based on a review of
26 specific areas. As per my presentation, Madam Chair,
27 Aboriginal Affairs reviewed the impacts to fresh water;

1 the environmental implications of road, port, and
2 related infrastructure design. We looked at accidents
3 and malfunctions. We looked at waste and hazardous
4 material management. We also looked and considered
5 socioeconomic factors. We did not review the impacts
6 and conclusions related to shipping. We did note, from
7 our participation in the NIRB's community -- or the
8 Board's community information sessions in October and
9 during the Department's attendance at the Planning
10 Commission's oral public hearings, that there was
11 concern over shipping, and there still seemed to be
12 some concern on the duration of the early revenue
13 phase. During submissions to the Board from the
14 proponent, we -- we read that the duration of the early
15 revenue phase was for 21 years. And so we were
16 satisfied that the proponent made their intentions
17 clearer on what the duration of the early revenue phase
18 are. We also noted in our submission some concerns
19 that we heard from the community with regard to marine
20 shipping and specifically concerns on the potential
21 impacts on marine mammals. This area is not within our
22 mandate, but in doing our due diligence and reporting
23 what we heard in the community, we wanted to make sure
24 that the people knew that we had heard their concerns
25 and comments, and we're recommending that these --
26 these comments from the public and intervenors will be
27 considered by the Board in their reconsideration. I

1 hope that answers the question, Madam Chair.

2 THE CHAIR: Does that clarify?

3 CALEB SANGOYA: Thank you, Madam Chair. This
4 is related -- it's -- it's to AANDC. I read this
5 morning under page 3, the very first bullet, Baffinland
6 has already stated that Mary River will benefit Canada,
7 and it will help with Canadian sovereignty in the
8 north. Baffinland working group is urging the Canadian
9 government -- the federal government is going to make a
10 lot of money off of this. With the money made from
11 Pond Inlet's -- from the mine, the new -- the new
12 airport, along with the docking facilities, should be
13 included in the early revenue phase. That was what we
14 discussed. Thank you very much, Madam Chair. That's
15 it for now.

16 THE CHAIR: Aboriginal Affairs?

17 MS. COSTELLO: Thank you very much, Madam
18 Chair. Karen Costello for Aboriginal Affairs and
19 Northern Development. I just wanted to clarify, the
20 Government of Canada will not be receiving any mining
21 royalties from this project as currently approved. As
22 was evidenced in the slide number 3, which shows a map
23 of the breakdown between Inuit-owned land and Crown,
24 the majority of the undertakings associated with the
25 Mary River project and the proposed early revenue phase
26 are on Inuit-owned land. As the gentleman from NTI
27 mentioned earlier today, there are grandfathered

1 leases. These are mineral leases. Aboriginal Affairs
2 will collect any royalties from mineral protection and
3 remit them to Nunavut Tunngavik Incorporated.
4 Aboriginal Affairs will not make any money from mineral
5 royalties.

6 As for your request for support for Pond
7 Inlet's -- for a new airport and a dock, regretfully I
8 cannot speak to them. That is not an answer that we
9 are responsible for, and if you have some specific
10 interest and you're looking at partnerships, I can
11 commit to getting back to you with some contact
12 information with the appropriate government department,
13 if that is agreeable to you, and I can try and get that
14 before tomorrow. Thank you, Madam Chair.

15 THE CHAIR: Thank you. Glenn, did you
16 have something to say in regards to what Caleb is
17 talking about? Caleb, are you done?

18 CALEB SANGOYA: Yes. There's going to be
19 taxes paid.

20 THE CHAIR: Glenn?

21 MR. MCLEAN: Thank you, Madam Chair. Glenn
22 McLean, NIRB Board number. Thanks, Caleb. I want to
23 jump in behind this question. I don't know if north
24 affairs can answer this question, but a mine life of
25 20-odd years will generate a lot of revenue in regards
26 to surface and subsurface rights. Is there anybody at
27 that table that can explain to me how many millions of

1 dollars that will be paid out to the QIA and NTI in the
2 next 20 years in royalties? Thank you, Madam Chair.

3 MS. COSTELLO: Thank you, Madam Chair. Karen
4 Costello for Aboriginal Affairs and Northern
5 Development. I cannot speak to the specific amount,
6 but I can tell you that royalties are calculated on an
7 annual basis based on production and take into account
8 overall capital and operating expenses. They are also
9 subject to the price of the commodity that's being
10 sold. I will leave it to my fellow intervenors from
11 NTI and potentially the company to speak to what
12 potentially could be generated. That is not something
13 that we will be dealing with. Thank you.

14 THE CHAIR: Thank you. NIRB staff, can I
15 ask you, NTI is coming back tonight, if we can raise
16 this question to them tonight along with QIA?

17 MR. BARRY: Thank you, Madam Chair. Ryan
18 Barry, Nunavut Impact Review Board staff. I'm sure we
19 can have a quick discussion with the proponent,
20 Qikiqtani Inuit Association, and Nunavut Tunngavik
21 offline and have them come back with a comment
22 regarding the royalty structures for this evening.

23 THE CHAIR: Thank you, Caleb. And we'll
24 ask NTI and -- Nunavut Tunngavik and the Qikiqtani
25 Inuit Association to join us tonight on this -- on this
26 matter. Thank you.

27 Joanna Innualu?

1 JOANNA INNUALU: Thank you, Madam Chair. I've
2 been coming back and forth here. Welcome to my
3 community, my ex-fellow community members also from
4 Grise Fiord and my fellow Board members. Thank you.
5 I've been listening to your statements for a while now.
6 I'm a community member of Pond Inlet, and I'm a
7 representative for QIA as the women's representative.
8 I've wanted to say these things for a while. We, in
9 the community of Pond Inlet, as mothers with working
10 husbands, maybe, and our husbands leaving us home alone
11 with our children, we're not all against the Baffinland
12 people because they are supporting us, and I know this.
13 But southerners who come up here for the first time
14 don't know too much about our culture. They're not
15 experienced enough with their employees' cultures. If
16 we want to have a good relationship, if we want our
17 culture to be strong, we won't be culturally strong if
18 we're poor. We're not buying a Ski-Doo if we're poor.
19 Only can we buy a Ski-Doo if we have a job. For the
20 GN, federal government, the Hamlet, for the workplaces,
21 I work for them, so I can get a Ski-Doo or a boat, or
22 if I sell drugs, I can do these things, too, Ski-Doos
23 and such, but when there is a job site like the mine
24 that Baffinland has brought up, it's challenging to our
25 lives now with some people with jobs and some without.
26 This is how I see it. My younger sister is working
27 there. I asked her -- she used to rely on income

1 support. I asked her, How much do you make a month
2 when you get income support? A little over 400, she
3 answered, and that's for one month. Once you started
4 working for Baffinland, how much are you making now?
5 Two weeks it's five times more than I was making on
6 social income, so when Baffinland can bring this kind
7 of economy to us and all the statements they are
8 making, Fisheries and Oceans, and all of you other
9 bodies, the support you're providing for our
10 communities, if you regulate it correctly, we can be in
11 a safe, secure situation, but you would want this
12 process to continue very well that we could -- we can
13 continue on with our culture and we can go hunting and
14 we can catch seals, that our husbands will get us seal
15 skins. Will we depend on social assistance to get
16 these bullets and hunting supplies, no. We will need
17 jobs to get these things, but the southerners that come
18 up here for jobs, I'm not -- I don't hate them or I'm
19 not bad-mouthing them. They are more experienced and
20 learned than we are. After they work up here, when
21 they are ready to retire, they will go home, but we
22 Inuit will stay here, and we will die up here, and the
23 visitors we had, the employees that come up here are
24 our visitors. Those of us who live here, we won't
25 change, but the southerners, when they are complete
26 with -- when they are done with their job, they will go
27 home to their families, of course, but we will stay

1 here, and I want this taken into serious consideration,
2 and the Inuit that -- there are Inuit employees that
3 are being fired from Mary River now, and after they are
4 fired, the mine is going to run for 21 years. Does
5 this mean once you are fired, you are fired
6 permanently? And we -- as we mature, we get stronger
7 in mind and become more capable. I want you to take
8 these issues into consideration by Baffinland. And I
9 think, when our husbands leave us, we're all stressed
10 and endure hard times when they go to work at Mary
11 River. We don't all encounter that. We don't all go
12 through that. The ones that are in more serious
13 situations are the ones that have people commit
14 suicide. They don't know who to turn to. Those of us
15 with spouses, they come home, and they take care of us.

16 It's our custom that the men would go away while
17 the women stayed home with the children. And this was
18 our culture from a long time ago. And it seemed like
19 that changed. We have raised children ourselves. It's
20 possible to raise your own children yourselves as per
21 your culture. Our culture was, when a little boy was
22 able to walk, he could follow his father around and
23 learn from him.

24 We're not all against Baffinland. And the smoke
25 from the ships, I don't think -- I don't think it's a
26 unique type of soot. Or I believe Baffinland -- the
27 soot from Baffinland's ship is unique and the tourist

1 ship's smoke is very clean and pure.

2 The first ships used to come up here delivering
3 supplies, and the cruise ships, they were up here
4 first. They have been coming up here for a long time,
5 and they -- and the cruise ships we have been against
6 for a long time because they go into all our secret and
7 precious places. Do you Parks Canada people know where
8 those cruise ships go to when they come up here? Which
9 lands that we don't want them to go do they go to? Do
10 you know -- do you know these things? Because we see
11 them go to places -- lots of us go up into the Milne
12 Inlet area for our summer camps and to hunt and eat
13 food. That is my question. Thank you very much for
14 taking the time to listen to my statements.

15 And my older sister works there, too, and I want
16 her to have a say also because she works at Mary River,
17 and she wants to go after me, and she's not as vocal as
18 I am, so I'll be sure to stand by her, so thank you.

19 THE CHAIR: Parks Canada.

20 MS. STODDART: Thank you, Madam Chair. I'm
21 going to have my colleague, Carey Elverum, answer her
22 question, as he is in the best position to do so.

23 MR. ELVERUM: Good afternoon. My name is
24 Carey Elverum. And I work with Parks Canada here in
25 Pond Inlet. In regards to the question of our
26 knowledge of where the cruise ship goes, we're not
27 directly involved in where the cruise ships travel or

1 have direct knowledge of that, but it's my
2 understanding that the Canadian Coast Guard regulates
3 and monitors all shipping activity in the north, and
4 they would be the best person to ask in terms of where
5 the cruise ships are going to. I'm familiar with the
6 office they have in Iqaluit, and they have a system set
7 up that they monitor all ships over a certain tonnage,
8 and so that information can be obtained.

9 We do get some information on where they are
10 planning to go, but the specifics of where they are
11 going, we're not necessarily privileged of that
12 information.

13 THE CHAIR: Thank you. Let us move on to
14 our other presentations and keep on track. Thank you
15 very much for you presentations. Let's move on to
16 Fisheries and Oceans and Transport Canada, their
17 presentation, please. Thank you.

18 Legal counsel?

19 MS. MEADOWS: Thank you, Madam Chair.
20 Teresa Meadows, legal counsel for the Nunavut Impact
21 Review Board. It's my understanding that Fisheries and
22 Oceans will be relying on the materials that are
23 already filed, but that Transport Canada has three
24 versions of this presentation that we will be marking
25 as the next three exhibits in the hearing.

26 THE CHAIR: Thank you. Who is presenting
27 first? Fisheries and Oceans.

1 Presentation by Department of Fisheries and Oceans
2 Canada

3 MS. WILLISTON: Thank you, Madam Chair. It's
4 Georgina Williston with Fisheries and Oceans Canada.
5 Since you have built up the anticipation for our
6 presentation, I'll go first.

7 So good afternoon, everyone, Madam Chair, members
8 of the Board, the community of Pond Inlet, and all the
9 other community members joining us this week. My name
10 is Georgina Williston, and I am a biologist, protection
11 biologist with Fisheries and Oceans Canada. So in
12 terms of our presentation today, I would like to
13 provide an overview of our mandate and applicable
14 legislation, our policies and guidelines. Next I will
15 provide an overview of our technical comments and
16 recommendations that we provided to the Nunavut Impact
17 Review Board. And finally I will close with our
18 conclusions. So Fisheries and Oceans Canada is
19 responsible for the management, protection, and
20 conservation of fish, marine mammals, and their
21 habitat. This includes seacoast and inland fisheries
22 within Canada. This responsibility stems from the
23 Fisheries Act, and the Species At Risk Act.

24 So I represent the fisheries protection program at
25 Fisheries and Oceans Canada. And this is the program
26 which is responsible for reviewing developmental
27 proposals to determine their impacts on fish, marine

1 mammals, and their habitat. Our work is further
2 defined by the Fisheries Act and Species At Risk Act.
3 And the fisheries and protections program is the lead
4 program at Fisheries and Oceans Canada involved in
5 coordinating department responses to environmental
6 assessment processes like this one under Article 12 of
7 the Nunavut Land Claims Agreement. So just quickly,
8 our regulatory role is defined by the Fisheries Act,
9 specifically the fisheries protection and pollution
10 provisions. These include four main sections:

11 Sections 35(1), which states that: (as read)

12 No person shall carry on any work,
13 undertaking, or activity that results in
14 serious harm to fish; that are part of a
15 commercial, recreational, or Aboriginal
16 fishery; or to fish that support such a
17 fishery.

18 We define "serious harm to fish" in the Act as the
19 death of a fish or permanent alteration to or
20 destruction of the fish habitat. And then we have
21 Section 35(2) of the Fisheries Act, which allows for
22 the issuance of a Fisheries Act authorization in order
23 for a project to proceed.

24 There's two more, Sections 20 and 21, which relate
25 to allowing for sufficient water and unimpeded fish
26 passage. Next we have Section 36, which prohibits the
27 deposit of a deleterious substance. So in applying the

1 fisheries protection provisions of the Fisheries Act to
2 a development proposal, we are guided by the following
3 two policies: The fisheries protection policy
4 statement and the fisheries productivity investment
5 statement. In the review of the Mary River project
6 early revenue phase, Fisheries and Oceans Canada's
7 comments focussed on the following three areas: The
8 impacts of shipping on marine mammals, the impacts of
9 ballast water discharge, and the impacts of the ore
10 dock construction.

11 The first topic I will talk about just briefly is
12 the impacts of shipping on marine mammals. Fisheries
13 and Oceans Canada has concerns with this new and
14 unprecedented scale of shipping activity proposed in
15 this environment. Exposure to shipping related noise
16 may lead to negative effects on the health, behaviour,
17 and habitat use of marine mammals. Shipping noise may
18 also mask components of incoming communication calls or
19 intervene with these calls and environmental sounds
20 which are important to vital functions, such as
21 foraging, navigation, or reproduction.

22 For ship strikes, many whale species are
23 susceptible to mortality or serious injury from ship
24 strikes. Bowhead whales may have characteristics that
25 may make them susceptible to ship strikes. Narwhals,
26 on the other hand, are less like -- likely less
27 vulnerable to ship strikes than bowheads, given their

1 greater overall maneuverability, echolocation
2 capabilities, and social behaviour. Given the
3 intensity of the shipping activity proposed, the
4 duration of the project, and the density of whales in
5 the Milne Inlet-Eclipse Sound area, there is the
6 potential for ship strikes.

7 Fisheries and Oceans Canada -- I'll just skip
8 ahead a little bit. So on this slide here, Baffinland
9 has proposed a monitoring program, which has
10 incorporated many of Fisheries and Oceans Canada's
11 recommendations which have been made throughout the
12 review of the Mary River project, the following five
13 components: the Bruce Head shore-based study, the
14 distribution study, an acoustic study, the narwhal
15 hunter study, and an unmanned aerial system
16 experimental study. Within this plan, there is also
17 mitigation measures which would be implemented if the
18 monitoring showed that shipping activities were having
19 a negative impact on marine mammals. These included
20 reduced vessel speed in identified areas or during
21 sensitive periods, the use of larger ships where
22 possible that would result in fewer transits, the
23 convoying of vessels so that three or four vessels
24 would travel together so that there would be gaps with
25 no noise, adjustments in the shipping schedule, and
26 minor adjustments to the shipping route. Baffinland's
27 commitment to the development and the implementation of

1 the proposed monitoring plan and mitigation measures is
2 key to addressing Fisheries and Oceans Canada's
3 concerns resulting on the impacts on marine mammals.
4 There's other recommendations that are in the
5 presentation that you have. I won't go through them
6 all because there's lots of them, but just in general,
7 Fisheries and Oceans Canada provided these
8 recommendations to the Nunavut Impact Review Board, and
9 our intention of making these recommendations is that
10 the NIRB consider them as new terms and conditions, as
11 they provide further clarification to existing terms
12 and conditions and apply specifically to the Milne
13 Inlet early revenue phase project.

14 So next we looked at ballast water. On January
15 17th of 2014, a new national risk assessment for the
16 introduction of nonindigenous species to Canada by
17 ballast water was carried out by Fisheries and Oceans
18 Canada and released to the public. The purpose of this
19 assessment was to gain a better understanding of the
20 relative invasion risk posed by ballast water
21 discharges in Canada.

22 The overall conclusion of this assessment was that
23 the environmental effect of ballast water discharge may
24 be more significant than previously indicated, despite
25 ballast exchange regulations. The proposed early
26 revenue phase shipping would make Milne Inlet the top
27 Arctic port at risk of aquatic indigenous species

1 introductions from ballast water.

2 Fisheries and Oceans Canada has made additional
3 recommendations on ballast water treatment options.

4 The first recommendation was that Baffinland should
5 consider onboard ballast water treatment. However,
6 Fisheries and Oceans Canada acknowledges that, due to
7 current Canadian and international regulations, which
8 require ballast water exchange to manage ballast water,
9 there is a limited number of ships available for
10 charter with this technology already installed.

11 Fisheries and Oceans Canada also recommended that
12 onshore treatment be considered an option for ballast
13 water management. However, Fisheries and Oceans Canada
14 acknowledges that since the ballast water convention
15 has not yet been ratified and implemented, there are a
16 limited number of ballast water treatments available on
17 the market suitable for the Arctic environment.

18 Baffinland has committed to following the current
19 ballast water regulations, which require ballast water
20 exchange. Baffinland also agreed that the existing
21 terms and conditions outlined in the project
22 certificate regarding monitoring of potential ballast
23 water impacts will be applied to the early revenue
24 phase. These commitments are key to addressing
25 Fisheries and Oceans 's concerns regarding the impacts
26 of ballast water discharge on the marine environment.

27 Lastly, we looked at the ore dock construction in

1 Milne Inlet. Fisheries and Oceans Canada has
2 determined that the construction of the ore dock will
3 result in a serious harm to fish; therefore, an
4 offsetting plan will be required to obtain a Fisheries
5 Act authorization. Baffinland is working toward this
6 requirement and is in the process of developing a
7 conceptual fish habit offsetting plan, which they
8 included in their presentation earlier this week. The
9 plan involved the construction of artificial reefs in
10 the -- in Milne Inlet. Fisheries and Oceans Canada
11 encourages community members present here this week to
12 provide comments on this conceptual plan, and we're
13 also interested in hearing from the community to
14 determine if this plan is acceptable or alternatively
15 if the community has other ideas, which would be
16 considered in an offsetting plan.

17 And in addition to those specific impacts on fish
18 and fish habitat, which would result in a Fisheries Act
19 authorization, we also looked at the impacts of
20 vibratory pile driving on marine mammals and the need
21 for a mitigation and monitoring plan. We looked at the
22 impacts of dredging on fish, marine mammals, and their
23 habitat, and the need for a sediment erosion control
24 plan, and an additional potential negative impact,
25 which will need to be assessed, is the impact of ore
26 dock construction on coastal processes and the
27 resulting sedimentation or erosion on fish habitat,

1 which may occur.

2 Baffinland's commitment to the development of the
3 mitigation and monitoring requested by Fisheries and
4 Oceans -- Baffinland has committed to the development
5 of the mitigation and monitoring plans requested by
6 Fisheries and Oceans Canada. The development of these
7 plans, and the fish habitat offsetting plan, will
8 address Fisheries and Oceans Canada's concerns and
9 ensure that there are no residual negative effects to
10 fish, marine mammals, and their habitat resulting from
11 the construction of the ore dock. Thank you.

12 THE CHAIR: Thank you. Let us hear
13 Transport Canada's presentation -- after we hear his
14 presentation or their presentation, we will open the
15 floor for questions and comments after dinner, but
16 let's let Transport Canada give their presentation.
17 Presentation by Transport Canada

18 MR. TOPPING: Thank you, Madam Chair. Good
19 afternoon, members of the Board and elders, ladies and
20 gentlemen. My name is Paul Topping. I am the manager
21 of environmental protection of marine and security at
22 Transport Canada. I would like to thank the Board for
23 providing Transport Canada with the opportunity to
24 speak at these proceedings. With me is my colleague,
25 Mr. Craig Miller, manager of marine safety and security
26 in the prairie and northern region. He is here as an
27 experienced professional mariner as well to answer

1 questions on the operation of marine shipping.

2 Our presentation is divided in the following way:
3 I will begin with our department's role, discuss our
4 mandate, and follow it with a summary of key issues and
5 a brief summary of final recommendations. I will then,
6 at the end of this, with the Chair's indulgence of
7 time -- we may push this -- I have some remarks to say
8 about ballast water that are not in the slides, but we
9 can see where we are then.

10 Transport Canada regulates parts of this project
11 in accordance with its laws and regulations within its
12 mandate, these parts that are related to
13 transportation. Transport Canada has provided
14 specialist information and expert advice to the Nunavut
15 Impact Review Board through written submissions and
16 technical meetings. Transport Canada is responsible
17 for transportation policies and programs and seeks to
18 promote a transportation system of all modes that is
19 safe, secure, efficient, sustainable, and
20 environmentally responsible. The Department regulates
21 infrastructure, equipment, and personnel related to
22 transportation in accordance with its laws and
23 regulations. Baffinland has been engaged with
24 Transport Canada throughout the Nunavut Impact Review
25 Board process and more specifically our review of their
26 final environmental impact statement and early revenue
27 phase proposal. Baffinland stated it intends to comply

1 with Transport Canada's regulations. These include
2 standards related to vessel safety, security, pollution
3 prevention, pollution response, marine liability, and
4 compensation and navigable waters and having standards
5 for allowing vessels to move in waters.

6 I wish to touch on the navigable waters protection
7 program. This is a program that is designed to approve
8 works on waterways to protect a common law public right
9 of navigation to move on the water with people's
10 vessels. Amendments to this Act came into force in
11 April 2014 under a new name now as the Navigation
12 Protection Act. The Navigation Protection Act will
13 apply to works that are constructed or placed in, on,
14 over, under, through, or across a scheduled list of
15 major waterways. Transport Canada will continue to
16 assess project proposals for proposed works related to
17 navigable waters in accordance with this Act until such
18 time as the new Navigation Protection Act takes effect.
19 The Arctic Ocean is a designated water under the
20 Navigable Protection Act, and any proposed works to be
21 conducted at Milne Inlet will be subject to the
22 Navigation Protection Act.

23 I would like to provide a brief overview of the
24 topics listed in our written submission. These topics
25 are focused on marine-based activities and would
26 involve key acts and regulations administered by
27 Transport Canada. Proceeding with the summary of our

1 recommendations: If Baffinland chooses to keep a
2 vessel to store fuel at Milne Inlet over winter, it
3 will be subject to all requirements of the Canada
4 Shipping Act, 2001; the Arctic Waters Pollution
5 Prevention Act; and their regulations. In regard to
6 deploying spill containment booms before the transfer
7 of fuel from a tanker in the fuel facilities of Milne
8 Inlet, this is known -- this is known as pre-booming.
9 However, this is not part of Transport Canada's
10 regulations, controlling fuel transfer operations in
11 the Arctic. Transport Canada has regulations for these
12 operations to prevent spills and ensure safety, and
13 they require both tanker and operating handling
14 facilities be ready for spills. As well, Transport
15 Canada has developed guidelines that provide additional
16 recommended practice for the Arctic. Transport Canada
17 does not require nor recommend pre-booming of vessels
18 in refuelling when they are offshore. This is typical
19 to most sealift deliveries of fuels seen in Arctic
20 communities. Transport Canada will continue to work
21 with Baffinland with work associated with the navigable
22 waterways -- the Navigable Waters Protection Act and
23 new Navigation Protection Act when it comes into force,
24 as we discussed.

25 Transport Canada also recommends that Baffinland
26 establish contact with one of Canada's four response
27 organizations. This is a company certified to clean up

1 oil spills on water, and mainly we wish to ascertain
2 whether these services could be provided wholly or
3 partly by a Canadian firm. We do recognize this may
4 not be possible at this time.

5 On oil spill prevention, the operator of the oil
6 handling facility should be prepared to respond to a
7 spill in accordance with the response organization and
8 oil handling facilities regulations and its applicable
9 standards. The oil handling facility of Baffinland is
10 also advised to carry out regular exercises with the
11 contracted response provided and the local Canadian
12 Coast Guard. This would build relationships to help
13 both Baffinland and the response contractor understand
14 the Canadian Coast Guard powers of direction.
15 Transport Canada looks forward to working cooperatively
16 with Baffinland, as it -- it develops and ensures that
17 its plans for oil pollution and oil handling facilities
18 are compliant with the Canada Shipping Act, 2001, and
19 the Arctic Waters Pollution Prevention Act. Transport
20 Canada would note that the ship board oil pollution
21 emergency plan required to be on its ship -- the
22 Baffinland ships, as well as voyage planning of these
23 ships, should take into consideration the reality of
24 Arctic operations. There are no response organizations
25 that are certified in the Arctic. This must be
26 accounted for in such planning.

27 We note the early revenue phase may also require

1 amendments to the North Baffin Regional Land Use Plan.
2 This is being reviewed by the Nunavut Planning
3 Commission. With any amendment, transportation,
4 infrastructure, operations, equipment, and personnel
5 will be subject to Transport Canada regulations.

6 In conclusion, Transport Canada looks forward to
7 continued dialogue and cooperation with the Nunavut
8 Impact Review Board; other federal and Nunavut
9 government agencies; stakeholders; and Baffinland, the
10 proponent. Based on our review of the early revenue
11 phase proposal and evidence from Baffinland Iron Mines
12 Corporation, Transport Canada has not identified any
13 concerns that fall under our mandate that would
14 prohibit the project from proceeding to the regulatory
15 approval stage. I wish to thank all the elders and
16 community representatives and youth for their time and
17 their effort to be here.

18 And I would like to then speak on ballast water,
19 what it is, and how it is we regulate it. I leave to
20 the Chair whether we do this now or on return from
21 dinner.

22 THE CHAIR: How long is the information?

23 MR. TOPPING: Probably need about five
24 minutes.

25 THE CHAIR: Go ahead.

26 MR. TOPPING: There has been a lot of
27 concern about ballast water. I wish to take a few

1 minutes now to provide information to everyone as to
2 what it is and how we regulate it and why it's a
3 concern. For those of you who have been in boats,
4 hunting, you know you have to keep your boat stable.
5 If you load your harvests into your boats or put
6 equipment in your boats in a way, your boat may tip. A
7 large vessel, such as an ore carrier, is subject to the
8 same forces, and that's why ballast water is used to
9 keep the vessel stable as it navigates around the
10 world. In drawing the ballast water, it draws water
11 from the port where it's leaving, and it draws water
12 through large pipes and organisms in that water, living
13 things in that water will be in there. These living
14 things then, when the port -- it arrives in the port,
15 it has to release its ballast water as the ore is
16 loaded in. Again, too much ballast, the ship will go
17 down. It will touch bottom. Not enough, the ship is
18 too light. So it is an operation to unload the ballast
19 water and receive the cargo load, and masters and
20 mariners around the world work on this art every day in
21 ports around the world. But in doing so, that ballast
22 water from another port is putting living things from
23 that other port in a new port, in a new community,
24 which can present a risk for invasive species.

25 To control that, we have ballast water
26 regulations. Ballast water must be managed before a
27 ship enters Canada and before it can be discharged. We

1 allow for the management by exchange at sea, where you
2 systemically pump out the ballast water tanks and
3 exchange it and bring in water from the deep ocean,
4 instead of the port. This water has fewer living
5 things in it. It's from deep water. It -- the living
6 things in that -- those waters are not as dense as --
7 and rich as they are in a shore -- close to the shore,
8 as you would find in a port. As well, the salt
9 concentration is higher than in most ports, so when you
10 release it, the living things in the deep water need
11 more salt and don't survive in the shallow water in a
12 port with less salt. That's one method.

13 The next method is treatment on board. The water
14 is passed through a device that has to kill the living
15 things that are in it so there are no living things
16 left. But at the same time, the ballast water must be
17 benign. It must be harmless once released. It cannot
18 harm the waters it is being released into.

19 Another approach is simply not to release ballast
20 water. This is called retain onboard. A vessel comes
21 in with an amount of ballast water, loads cargo,
22 leaves, never discharges. We have measures through our
23 inspectors where we can validate this was done.

24 A final method is being able to pump ashore to a
25 shore side facility. We know there are no facilities
26 like that in the Arctic. In the south, there have been
27 a few.

1 Enforcement is carried out of these management
2 methods -- carried out and related also to
3 documentation. As the ballast water is managed, there
4 are two things: Ballast water must be managed in
5 accordance with a plan and a record. As it's managed,
6 the master or an officer on the ship keeps track of
7 what happened and what they did, where they exchanged
8 that ballast water. And this is what our inspectors
9 look for. They understand this -- they also understand
10 where the ship came from, because before the ship
11 enters Canada, they have to report to Canada, 96 hours
12 in advance. So we have awareness, and the information
13 from a vessel coming into the Arctic would be sent to
14 Halifax and coordinating with my colleague here.

15 Our friend -- my colleague at Fisheries and
16 Oceans, and -- you're a friend -- has given a
17 recommendation that we look for treatment systems, and
18 this is the future of our regulations. The national
19 risk assessment study she mentioned was, in fact,
20 funded by my department, by Transport Canada. We look
21 to this to guide us to ensure our regulations work.
22 Our goal is to prevent invasive species from coming
23 into Canada. To do this and to ensure there's
24 treatment, there has to be an international agreement;
25 while although it is agreed to, it is not in force.
26 And as such, companies are waiting until it comes into
27 force before they put these systems on, so the

1 challenge for the proponent to find a ship would be
2 very high because very few ships around the world have
3 treatment systems, but in the meantime, they can and do
4 carry out ballast water exchange, and it does provide
5 some level of risk reduction -- it change -- a level of
6 protection, but not to the protection we're necessarily
7 looking for, but we are looking to improve that over
8 time.

9 I think I'll stop there as an information, and
10 I'll -- we can have dinner. I don't like being the guy
11 between dinner for anybody. I will -- and then I
12 can -- at the Chair's wishes be free for questioning on
13 return.

14 THE CHAIR: Okay. Right now we will break
15 for dinner. We will be back here at 6:30, and when we
16 get back, questions and comments to Fisheries and
17 Oceans and Transport Canada. Please focus your
18 questions and comments only to Fisheries and Oceans and
19 to Transport Canada. I already have Tommy Tatatuapik's
20 name, so you'll be the first to ask after dinner.

21 EXHIBIT 44 - Transport Canada PowerPoint
22 Presentation Nunavut Impact Review Board
23 Final Hearing Baffinland Iron Mines
24 Corporation Mary River Project Early Revenue
25 Phase Proposal, January 2014 (English)
26 EXHIBIT 45 - Transport Canada PowerPoint
27 Presentation Nunavut Impact Review Board

1 Final Hearing Baffinland Iron Mines
2 Corporation Mary River Project Early Revenue
3 Phase Proposal, January 2014 (Inuktitut)
4 EXHIBIT 46 - Transport Canada PowerPoint
5 Presentation Nunavut Impact Review Board
6 Final Hearing Baffinland Iron Mines
7 Corporation Mary River Project Early Revenue
8 Phase Proposal, January 2014 (French)

9 (DINNER ADJOURNMENT AT 5:16 PM)

10 (PROCEEDINGS RESUMED AT 6:30 PM)

11 THE CHAIR: Good evening, and welcome
12 back. Just a reminder why we are here tonight, today,
13 or this week. The Nunavut Impact Review Board's job in
14 this hearing is only to assess the potential impacts of
15 the Baffinland Iron Mines Corporation early revenue
16 phase, the Mary River project NIRB file number 08MN053,
17 the Nunavut Impact Review Board project certificate
18 number 005. And these are the changes to the
19 application: Baffinland is asking to mine an
20 additional 3.5 million tons of iron ore each year from
21 deposit 1, transporting the additional iron ore from
22 the mine site to Milne Port via the -- through the tote
23 road, storing up to 3.5 million tons of iron ore at
24 Milne -- Milne Port, shipping the iron ore through the
25 Milne Port site during the open-water season commencing
26 in twenty-fifteen, 2015, and continuing out through the
27 21-year life of the mine, and delaying the development

1 of a larger -- of the larger Mary River project as
2 originally authorized under the project certificate.
3 This is not a reconsideration of the larger Mary River
4 project that was approved by the Board and the minister
5 back in 2012, so I ask everyone to focus your comments
6 tonight on the activities and undertakings in this
7 early revenue phase application.

8 Before we went for dinner, we heard summarized
9 presentations from Fisheries and Oceans and Transport
10 Canada, so I will now open the floor for questions to
11 Fisheries and Oceans and Transport Canada starting with
12 Tommy Tatatuapik.

13 TOMMY TATATUAPIK: I am Tommy Tatatuapik, elder
14 from Arctic Bay. The comments and questions are not --
15 I am going to have a question that I've always ached to
16 ask. So I'm going to -- I'm going to speak from the
17 heart and ask questions from the heart that I've longed
18 to ask. The first question is -- and we'll repeat this
19 question. The comments that are being made, and the
20 various presentations that are being made within
21 Nunavut and the projects that are within Nunavut,
22 they're -- we have terms -- there are terms and
23 conditions that are being put forth. This -- we have
24 a -- a way in the way we hunt using our culture. We
25 use -- we use -- we hunt whales in a way so that we
26 kind of corral them, and it's very -- some animals
27 we're finding and some mammals that we're find -- we're

1 finding that they are -- they've been habitualized to
2 humans, and some have no fear. There are terms -- you
3 have your own terms and conditions, but we also have
4 ours, as well. We have our own laws in the way we
5 hunt, so I would like to know how -- maybe how they're
6 different and how you see -- maybe the way -- do you
7 see any difference in the way our laws are made?

8 THE TRANSLATOR: He's not making himself --
9 he's kind of vague in the way he spoke or asked the
10 question.

11 THE CHAIR: Fisheries and Oceans?

12 MS. WILLISTON: Thank you, Madam Chair. It's
13 Georgina Williston from Fisheries and Oceans Canada.
14 I've sort of made notes as I went along, and I'm not --
15 not really sure how to answer that. I don't know.
16 Maybe if you could provide a little more information
17 about the differences in the terms and conditions
18 versus traditional Inuit hunting. I'm not -- I'm not
19 really sure, not being an expert on Inuit hunting.

20 TOMMY TATATUAPIK: Secondly, Baffinland has made
21 their presentation as to the activities that they want
22 to do, and they've told the public and informed the
23 public. I'm going to use this as an example: Inuit,
24 before we had laws that were from a different culture,
25 we had our own original laws. I wonder if we could
26 maybe include some of the traditional laws that we used
27 to have with the laws that we have in Canada as a

1 whole, because I think it would be useful. There are
2 terms and conditions that Baffinland is supposed to
3 follow. We, as Inuit, should have something similar to
4 those laws or terms and conditions.

5 THE CHAIR: Is this more of a comment?

6 TOMMY TATATUAPIK: Yes. It's more of a comment.
7 It's not a question. The question that I have, as
8 Inuit, Fisheries and Oceans has rules and regulations
9 and terms and conditions. They are very lengthy, and
10 it doesn't really pertain to -- to Inuit.

11 THE CHAIR: Fisheries and Oceans?

12 MS. WILLISTON: Thank you for the questions
13 and comments. It's Georgina Williston from Fisheries
14 and Oceans Canada. I think maybe generally I can just
15 speak a little bit about -- Fisheries and Oceans Canada
16 does, indeed -- we have the Fisheries Act, and there's
17 different rules and regulations that are with regards
18 to harvesting marine mammals or fishing or the ones
19 that relate to fish habitat, and we have those. And
20 then I think because we're in Nunavut and a lot of the
21 decisions we make at Fisheries and Oceans Canada are
22 made with our co-management partners, being the Nunavut
23 Wildlife Management Board -- we have an office in
24 Iqaluit where the managers of the fishery are. They're
25 called the Fisheries Management Program, and I know
26 that they come to the communities and they talk to the
27 communities about the -- setting the quotas and how

1 that will all impact on the harvesting and how many
2 animals are allowed to be harvested and then what rules
3 have to be followed. So I think definitely Fisheries
4 and Oceans Canada tries. Even when we do our research
5 and we do our science, we always come to the
6 communities. We ask for input, we ask for the
7 traditional knowledge, because all that information
8 really helps us. You know much better than we do. So
9 we do try and take -- in science and in habitat
10 management, we try to take these concerns into
11 consideration, which is why we're here today too.
12 We're here to listen to your comments and concerns and
13 answer your questions. Thank you.

14 THE CHAIR: Thank you. Charlie Inuaraq.

15 CHARLIE INUARAQ: You've already stated my name,
16 Madam Chair. Thank you. Now, how will I say this? I
17 have a question to -- and a comment to Fisheries and
18 Oceans. My first question would be because I want some
19 information. We've had ships come in for many years.
20 Sometimes there's more, and sometimes there's less.
21 Its been like that for some time now. There's a lot
22 more ships that sail into Newfoundland, and we've got
23 lots of seals. We have harp seals that come in that
24 come from the new -- the direction of Newfoundland, and
25 then they whelp, and they -- now, I wonder, have they
26 been impacted by shipping? Do you know?

27 THE CHAIR: Fisheries and Oceans?

1 MS. WILLISTON: Georgina Williston with
2 Fisheries and Oceans Canada. About the -- the harp
3 seals, I don't know specifically, being, for this
4 project specifically, we looked at ringed seals and
5 bearded seals for this area. I would probably have to
6 check with someone in DFO science, maybe in either
7 Newfoundland or in Winnipeg for that answer, but off
8 the top of my head, I don't know. I'm sorry.

9 CHARLIE INUARAQ: Thank you for -- thank you for
10 that comment and answer. Perhaps we'll get an answer
11 sometime.

12 You have probably heard, there has been mining
13 anywhere around the world, and maybe there are areas
14 where there's a lot of fish and a variety of mammals.
15 Have you heard anywhere around the world where the fish
16 population or the mammal population has declined a
17 great deal as a result of mining anywhere?

18 THE CHAIR: DFO -- Fisheries and Oceans?

19 MS. WILLISTON: Thank you for that question.
20 It's Georgina Williston from Fisheries and Oceans
21 Canada. That's a very big question. Off the top of my
22 head, no, but as with any big project, if you're --
23 when we -- when Fisheries and Oceans Canada looks at
24 mining projects and we look at them in -- in Nunavut,
25 you can have impacts from lots of different places.
26 Like, there's been projects in Nunavut where they've
27 built roads or they've had to maybe remove all the fish

1 from a lake because they need to use that for waste.
2 So definitely a mine can have impacts, but that's why
3 we go through this whole process. We go through an
4 environmental assessment, and then Fisheries and Oceans
5 Canada, we do a review, and what we're trying to do is
6 find ways to mitigate these impacts so that the impacts
7 aren't as bad as they could be. We have different
8 ideas of how we can do this. Or we work with
9 proponents to come up with monitoring plans, like we
10 have with Baffinland, so we can see what's happening
11 before and what's happening after, and the goal is
12 always to not have an impact. Specifically which mines
13 haven't had impacts, I don't know, but -- and there's
14 definitely a difference in how mining projects were
15 carried out, you know, a long time ago versus now.
16 There's definitely a lot better practices around fish
17 and fish habitat and marine mammals. So that's all I
18 can say to that. I can't really comment specifically
19 on the impacts at different mines. Thank you.

20 CHARLIE INUARAQ: Thank you for that valued bit
21 of information that you just -- that we just heard.
22 We're very happy that the Nunavut Impact Review Board
23 is in attendance here, as well as Baffinland, as well
24 as all the government departments that are here.
25 The -- we'd like you all to know, we would like to
26 ensure that our future -- our fish are not in decline
27 as a result of mining.

1 THE CHAIR: Yeah. Can I get your name?
2 JOSHUA ARREAK: Joshua Arreak.
3 THE CHAIR: Joshua Arreak. Yes, go ahead.
4 JOSHUA ARREAK: Good evening. Joshua Arreak
5 from the Hamlet of Pond Inlet. I have a question to
6 Department of Fisheries and Oceans or to term and -- to
7 117. There is talk of -- that Milne Inlet, that there
8 are no fish there. I don't believe that whatsoever.
9 Following the traditional -- Inuit traditional
10 knowledge, I hear that the fish -- that the -- that
11 there are fish that spawn up the river and then go back
12 down in the fall. So -- and then there are -- there
13 will be no additional -- there will be no impacts to
14 them. I know this for a fact, that a lot of Inuit,
15 too, know it -- know for a fact that there is an
16 abundance of fish there. As soon as the fish start to
17 come down river, and if -- as long as there's going to
18 be any activity at the -- at Milne Inlet, I -- we
19 wouldn't like to see any decline in the fish
20 populate -- fish population, and, perhaps, if you can
21 do your activities perhaps after September, we'd also
22 like to know if there's an abundance or what the fish
23 population is like in that area. Thank you.
24 THE CHAIR: Fisheries and Oceans?
25 MS. WILLISTON: Thank you, Joshua. It's
26 Georgina Williston with Fisheries and Oceans Canada. I
27 know there's fish in Milne Inlet. Everyone knows

1 there's fish in Milne Inlet here. I've heard this a
2 couple times. I'm not really sure what report that was
3 written in, but I have -- I know that there's fish
4 there from -- from hearing it from the communities.
5 Fisheries and Oceans Canada knows there's fish there.
6 We know that the community harvests fish there.
7 Baffinland, in the collection of their baseline data,
8 they have -- they have caught char there, they've
9 caught sculpin there, the little fish that live on the
10 bottom. I'm trying to think what else they caught. We
11 know there's Arctic cod in there, we know there's the
12 little brittle stars and urchins on the bottom. So we
13 definitely know there's fish, and even from the
14 conversations we've had, just the other day people were
15 telling me that char were coming from Roberts River.
16 So even in Koluktoo Bay, we've got char. So that's --
17 we know that too.

18 With the design of the ore dock and the work in
19 Milne Inlet and the requirement for an offsetting plan,
20 Fisheries and Oceans Canadian's goal or ultimate end
21 result is that there is no impact to the char in Milne
22 Inlet. So that's what we're working towards, and I'll
23 make note -- I've heard a couple times now that the
24 community doesn't want the construction of the ore dock
25 to occur -- and I've heard September, maybe Octo -- I
26 guess it's August we don't want. So maybe we want the
27 work to happen in September. So maybe -- I'll take

1 that information back with me and maybe when talking
2 with Baffinland on their construction schedule, we can
3 see how -- how that would impact their construction
4 schedule, how we can maybe work around that. Thank
5 you.

6 THE CHAIR: Do you have any more
7 questions?

8 JOSHUA ARREAK: Let me make that clear. It's
9 in Baffinland's report in December on the amendment on
10 dredging. It's -- it's -- yeah, it states -- and I can
11 quote, that Arctic char is -- will not be affect --
12 unimportant and will not be affected, and none in that
13 area. That's what it reports -- says. Thank you.

14 THE CHAIR: Fisheries and Oceans?

15 MS. WILLISTON: Okay. Thank you for that
16 clarification. I'll have another look back at that,
17 but I understand that there are char, and I'll have to
18 read that again, but I probably would question that
19 result if I saw it. Okay. Thank you.

20 THE CHAIR: Thank you. Shelly?

21 SHELLY ELVERUM: Thank you, Madam Chair.
22 Shelly Elverum from the Hamlet of Pond Inlet. As much
23 as I know you guys would like to put the issue of
24 ballast water to rest, I do have a question about that.
25 Transport Canada looks happy. All right. The question
26 I have is that Baffinland pointed out that they will be
27 following international and national standards relating

1 to ballast water. The question that I do have, though,
2 is, are those international and national standards
3 created in a way that's appropriate for Arctic waters,
4 or were those standards created for the majority of
5 shipping, which would occur in temperate or warmer
6 waters? My -- my concern being that oftentimes, when
7 you're dealing with the Arctic, you do need an
8 additional level of protection or a recognition that
9 this is a special place that is not the same as if you
10 are emptying ballast water in a port in the
11 St. Lawrence or in Vancouver or somewhere else, and my
12 questions are, while it is commendable to follow
13 international and national regulations, I'd like to
14 point out that, in a lot of cases, it is recognized
15 that you do need an additional level of protection for
16 Arctic environments. So I am not sure who could answer
17 that question, but I would like to know whether or not
18 that's been taken into consideration.

19 THE CHAIR: Transport Canada?

20 MR. TOPPING: Thank you, Madam Chair. And
21 to answer your question, Shelly, I was involved in the
22 discussions in 2004 at the International Maritime
23 Organization when this international ballast water
24 convention was negotiated, was created. The basis for
25 the protection standards that set how treatment systems
26 should perform was based on what would be the most
27 stringent protective measures to eliminate invasive

1 species or species picked up in a port, what would be
2 the most stringent measures possible with the
3 technology available. And it even went beyond that.
4 Many at the time -- experts at the time said we would
5 never see treatment systems, because it was too
6 standard -- too stringent. We are seeing treatment
7 systems today, but they were developed to actually
8 bring the risk of transferring an invasive species,
9 regardless of the water, where it comes from, that you
10 are eliminating the risk of transfer of invasive
11 species. So in many ways, it did think -- and many of
12 the -- they were Arctic countries -- Norway, as an
13 example, Sweden, playing a role, and Canada, as well --
14 voicing to ensure that the Arctic waters and cold
15 waters were protected.

16 Water we look at -- and we have provided a report
17 to the Nunavut Impact Review Board. The gentleman who
18 wrote it was a Norwegian, and he worked for a company
19 that surveyed most of the treatment systems on the
20 market today, and he knew all the technical details of
21 how they worked and found that many of them work in
22 cold water. Our principal concern, as an Arctic
23 nation, is not so much as the performance standard but
24 that the treatment system chosen will function in
25 cold-water environments for Arctic use. And even for
26 the St. Lawrence. It's cold waters in the Atlantic and
27 in parts of the northern Pacific. So on the world's

1 market of treatment systems, many will work, but some
2 will not, and this report identifies those which would
3 not, and we've provided it. It's public, and we are
4 providing it to the Nunavut Impact Review Board, and
5 we're pleased to provide it to the proponent, as well,
6 for their information. Thank you.

7 THE CHAIR: Any other questions?

8 SHELLY ELVERUM: Thank you very much for
9 clarifying that. That -- that's very good to know.
10 And, again, I'll just encourage you guys, as
11 intervenors, to be working with the community, and
12 also, as much as possible, to consider training
13 programs here in the community so that -- especially so
14 young people can be involved in the work that you're
15 doing.

16 THE CHAIR: Thank you. David Akeeagok?

17 JAYPETEE AKEEAGOK: Okay. Jaypetee. David is my
18 brother -- younger brother. I'm Jaypetee. Thank you.
19 I'm going to ask two questions. Like, the shipping
20 route was supposed to go through -- originally supposed
21 to go through Steensby Inlet, and when the route was
22 changed -- the shipping route was changed, for example,
23 it was put in our ports. So I have a question. Like I
24 said, it's on the doorstep of our area now. Whether --
25 if it's only in Milne Inlet, bites the transportation
26 corridor of the ships that I have a question, which are
27 beyond Canadian jurisdiction. Correct me if I'm wrong.

1 To my understanding, the ships will require refueling.
2 Will there be any foreign large motherships that are
3 waiting for them down in Baffin Bay to refuel them
4 back -- to go back to Rotterdam or to European places
5 where they will be? And if so, are there any
6 contingency plans that are in place in case an accident
7 does happen which is beyond Canadian jurisdiction,
8 whether -- if it's in Canadian jurisdiction or not, the
9 ocean currents do know -- do not know the jurisdiction
10 where it stops and where it continues. So whatever may
11 or may not happen might have an effect on the ocean
12 currents that are beyond Baffin Bay. That's my first
13 question.

14 And the other question that I have: Is there any
15 Pacific foreign animal species that may be detrimental
16 to the environment of Milne Inlet, such as the ones
17 that are happening in the Great -- Great Lakes? I do
18 know they are called "barnacles" that have come from
19 foreign countries and being deposit -- well, accidentally
20 being deposited to Great Lakes and Great Lakes are
21 slowly dying. Should we fear of that from foreign
22 species, whether they are mollusks or whether any other
23 animals?

24 It wasn't too long ago that we were not supposed
25 to have capelin in Grise Fiord area. Now we see that
26 too. I mean, these animals -- I mean, marine mammals,
27 whether you believe they will stay at one place, we

1 also have to consider that new species are being seen,
2 even char or salmon. We don't even know what the names
3 are. They're almost like Arctic char that don't
4 migrate up to lakes. Those are being seen, which we
5 never used to see. So those are the marine animals
6 that we have to look at, whether if it will harm the
7 environment, such as they are doing down in Great
8 Lakes. I realize there's lots of ship traffic
9 throughout the world, but we're looking at the more
10 sensitive area, and it's just in our doorstep because
11 of the new transportation corridor. Thank you, Madam
12 Chair.

13 THE CHAIR: Thank you. The first
14 question, Baffinland will -- has asked to respond, and
15 the second one, we'll move to Fisheries and Oceans.

16 MR. CURRAN: Thank you, Madam Chair. With
17 respect to the fuelling of the -- the ore carriers, I
18 can confirm that the ore carriers will -- will leave
19 their port with all the fuel they need to return back
20 to that port. So there will be no refueling of the ore
21 carriers at Milne Port or in Baffin Bay. Thank you.

22 THE CHAIR: And the second question,
23 Transport Canada?

24 MR. MILLER: Thank you, Madam Chair. Craig
25 Miller with Transport Canada. To add to Oliver's
26 statement, foreign vessels entering the Canadian Arctic
27 must have enough fuel to complete their voyage or

1 they're not allowed into the Canadian Arctic. You've
2 made a question about an oil spill outside of Canadian
3 jurisdiction. That is best answered by the Canadian
4 Coast Guard, but because Transport Canada and DFO work
5 very closely together on those issues, I'll -- I'll
6 speak for them. For a spill outside Canadian waters,
7 outside Canada, 200 miles offshore, the Coast Guard
8 would monitor it, and if that spill were to have a
9 direction towards Canadian shores, we'd take all
10 measures to deflect it from sensitive areas. But the
11 Coast Guard would respond to that threat.

12 THE CHAIR: Thank you. And Fisheries and
13 Oceans?

14 MS. WILLISTON: Thank you for the question.
15 It's Georgina Williston from Fisheries and Oceans
16 Canada. So there's sort of two parts to your question
17 and two parts to your answer. For the foreign species
18 that can come in on ballast water, that -- that's the
19 reason we're having all this discussion on ballast
20 water treatment, ballast water exchange, ballast
21 water -- which one is the best. So Fisheries and
22 Oceans Canada is doing -- we've done, as I mentioned
23 just quickly, the new ballast water risk assessment and
24 our role is to do these risk assessments and provide
25 the information and the conclusions to Transport Canada
26 so that we can make the best decisions on how to
27 prevent these foreign species, which -- there's quite a

1 few of them in the Great Lakes now that have caused
2 lots of problems, both to the fishery there and to --
3 everything from intake pipes to boats and everything
4 like that. So the goal is definitely to prevent that
5 from happening in the Arctic waters. To date, in the
6 Canadian Arctic, we do not have any native species that
7 have been introduced by ballast water, so ...

8 THE CHAIR: Good. Thank you. David
9 Irngaut.

10 DAVID IRNGAUT: Thank you, Madam Chair. David
11 Irngaut from Igloolik HTO. I don't want to go back to
12 repeating my questions, but I want to go back. I have
13 heard reports, like, in -- Igloolik and Arctic Bay will
14 not fully be impacted. Unless I mentioned earlier,
15 like, when the ground starts thawing, the rivers tend
16 to flow to our oceans, and, also, Steensby Inlet is an
17 inlet, and that's where the streams flow, and it flows
18 to our -- where the fish habitats are, and, also, it
19 flows towards Arctic Bay area. And maybe, even though
20 you mentioned that those areas would not be impacted,
21 you really have to consider -- reconsider that because
22 of where the streams flow to the ocean. For example,
23 we can talk about the -- but we want the project to
24 proceed. We want jobs. And based on the risks that
25 are involved, like, we definitely want you to know
26 there might be risks involved. As Inuit, our older
27 generations such as these generations, such as these

1 gentlemen, Paniloo Sangoya and Gamaili Kiluksihak,
2 they're older. And as Inuit, they -- what they say,
3 because of their knowledge -- and even though we
4 haven't observed the place, when they say something, we
5 automatically believe them, and sometimes it appears
6 like we don't believe what they're saying based on
7 their experience. I mean, go on and on.

8 Like, because there's going to be some blasting
9 undertaken at Mary River, so you have to monitor it
10 closely, because the wind will carry all of the residue
11 anywhere at all. So it might -- if it reaches the
12 Steensby Inlet area, it will go to the streams and
13 oceans. So I want a clear understanding -- that's why
14 I want to go back to that comment. I definitely want
15 the project to proceed. We want jobs, like -- like, in
16 1955 when I was 11 years old, apparently, I started to
17 learn about the mines and the ore. So I just want to
18 clarify that.

19 When the early revenue phase is being undertaken,
20 even though you're saying there won't be much impact,
21 but you have to reconsider that. So that's why I want
22 to repeat that. Thank you.

23 THE CHAIR: Thank you. Malachi Arreak?

24 MALACHI ARREAK: Malachi Arreak from Pond
25 Inlet. Madam Chair, I have two questions for DFO. So
26 for the sake of our understanding, so I will use
27 government jargon in English.

1 I will switch to English, obviously, to ensure
2 there is no misunderstanding. I have a couple of
3 questions related to the shipping corridor,
4 specifically for DFO. To provide some context for
5 these two questions, I want to give a bit of anecdotal
6 evidence of what I consider a large school. Of course,
7 it's going to age myself, but ...

8 In the early '70s when Inuit used to adhere to the
9 no-hunting-Sunday rule, a lot of us younger people used
10 to love Sundays, because that meant the narwhal would
11 be feeding from about 11 after church until about 1.
12 You would see a school of cod. If any of you have been
13 down to the beach here, it's pretty rocky. The
14 shoreline goes straight down to about 20 metres. When
15 there were narwhal feeding, cod would be out about 200
16 feet, all the way down to the bottom, over a mile long.
17 That's what I mean by "big school" of cod.

18 So with that in mind, whenever the ice breaks up,
19 when we go boating in the outboard and the boats set
20 up, when you pass through one of the schools, a lot of
21 cod will jump out because of the propellor wash. So my
22 question is, if you extrapolate these effects that are
23 told, considering the size of the propellers of these
24 iron ore ships, I imagine there's a mortality rate.
25 But my question will be, what studies have been
26 undertaken to compile data on mortality rates of
27 propellers -- ship propellers on schooling fish, such

1 as Arctic or polar cod, within the Pond Inlet to Milne
2 Inlet route?

3 And my second question relates specifically to the
4 richness of this area and why Pond Inlet is very
5 protective of this marine ecosystem. When I mentioned
6 that cod school, I wanted to put that in the context of
7 how rich this area is. We're being asked to review
8 this right at the time when everything is birthing,
9 when the ice is breaking. During this open-water
10 season, that's when millions of species, both
11 terrestrial, avian, and marine, that come into this
12 area. So the other question I have, based on the Inuit
13 knowledge of places that have plankton, shrimp, squid,
14 scallops, mussels, clams, whether or not DFO will
15 conduct any kind of marine ecosystem inventory survey
16 and -- to see whether or not the growth productivity
17 rates -- in other words, the food species -- will be
18 impacted by the constant churning of the marine waters
19 to these ships that will now go from Milne Inlet out
20 through Pond Inlet. Again, this is the only time of
21 year that is good weather, and, also, this is -- I
22 guess southerners will understand the term "farm". The
23 entire marine area of Pond Inlet is what we consider
24 our marine farm. Thank you.

25 THE CHAIR: Thank you. Fisheries and
26 Oceans?

27 MS. WILLISTON: Thank you for the question.

1 For the first question on impacts of the propellers on
2 cod, personally I don't know, unfortunately. I wish I
3 did. I could look it up, perhaps, and get back to you,
4 and if I could find papers, I could provide them. For
5 the richness of the ecosystem and the monitoring or
6 research by DFO, I don't know of any coming up to this
7 area. I know that, when Steensby Inlet was proposed,
8 we have a research scientist by the name of Kim
9 Howland. She did a big inventory of species in
10 Steensby Inlet to see what benthic -- the organisms in
11 the sediment -- the benthic organisms, they inventoried
12 those. They did the -- like, everything from clams to
13 mussels to starfish to urchins all the way to the zoo
14 plankton in the water column. So that was done down
15 there. I don't think we've come up to this area, but
16 I'm not sure. I can, once again, send an e-mail off to
17 the research scientists. Unfortunately I don't work in
18 the -- with the research scientists, so I just have to
19 communicate with them and get some information from
20 them, but I can send that off and get a -- hopefully
21 get an answer for tomorrow, if that's okay?

22 THE CHAIR: Okay. Please. Okay. There
23 was a young man -- your name -- Abraham, you may speak.

24 ABRAHAM KUBLU: Thank you, Madam Chair. The
25 first question to DFO, then I'll ask the others. Last
26 year, Baffinland and DFO came to the community, and
27 they had different, separate presentations during the

1 public meeting, and, as well, to the Hunters and
2 Trappers Organizations last Hamlet council. One in
3 particular I remember on that meeting was you had a
4 presentation about HADD, and I was wondering how come
5 you did not make a recommendation around Milne Inlet
6 whether -- if they could build that HADD in Milne
7 Inlet?

8 And then second question to the gentleman there,
9 as we all know, Baffinland will be opening up new
10 doors, especially to the international shipping route,
11 and the Europeans are keeping their eyes open wide
12 because of the Northwest Passage. Pond Inlet is right
13 on the doorway of Northwest Passage. Once the project
14 is being approved, is there any future plan that the
15 regulation, the law, or the rules that are in place
16 will be up to date that will be more reasonable for
17 Nunavutmit, and especially north Baffin? Thank you,
18 Madam Chair.

19 THE CHAIR: Can I ask, what is "HADD"?
20 Fisheries and Oceans?

21 MS. WILLISTON: Thank you for that question.
22 You have a good memory. So the "HADD" is harmful
23 alteration, disruption, or destruction of fish habitat.
24 That's the acronym we used to use before November 25th.
25 So on November 25th, the -- we got a new Fisheries Act,
26 and the new Fisheries Act is what I put up quickly. I
27 can read it again. So the new Fisheries Act says: (as

1 read)

2 No person shall carry on any work,
3 undertaking, or activity that results in a
4 serious harm -- [so now we call it a "serious
5 harm"] to fish that are part of a commercial,
6 recreational, or Aboriginal fishery, or to
7 the fish that support such a fishery.

8 So after November 25th, now we call it a "serious
9 harm", maybe a "shh". I'm not sure the -- it doesn't
10 sound as good now, right? So we have determined that
11 the new ore dock at Milne Inlet is going to be a
12 serious harm. Before we would have called it a HADD, a
13 harmful alteration, disruption, or destruction; now
14 we're calling it a serious harm.

15 So we've -- you know, we've given this information
16 to Baffinland, and you probably remember at that
17 meeting, too, we talked about offsetting options. So
18 the same thing for this process. So Baffinland has to
19 come up with an offsetting plan. So they've proposed a
20 concept of putting rocks in the water, like artificial
21 reefs. I think we talked about that at that meeting
22 too. So that's one idea that's out there. At these
23 meetings here, we've heard from the HTO. Jimmy had
24 mentioned it in his presentation, that maybe there's
25 some rivers in the area that char can't pass through
26 very well, and maybe we could, you know, work on
27 something there to allow the char to pass; maybe dredge

1 it or move rocks around. I'm not -- I haven't seen the
2 river, so I'm not sure. So we were actually talking
3 last night with the HTO to maybe set up a meeting much
4 like the one we had last year when we were here -- or
5 maybe it was two years ago now -- to come back to the
6 community and have a meeting in the evening and in the
7 afternoon and talk about these options again. So it's
8 still around. It just has a different name. Thank
9 you.

10 THE CHAIR: Thank you. Ham Kalluk?

11 MR. TOPPING: Madam Chair, I believe our
12 good friend Abraham had a second question involving the
13 Northwest Passage that was directed to our department.

14 THE CHAIR: Okay. Transport Canada?

15 MR. TOPPING: Thank you. Abraham, in regard
16 to your question about the use of the Northwest
17 Passage, it's our understanding that Baffinland vessels
18 would not be using the passage; however, I think your
19 question was broader, and it's starting -- we had the
20 Nordic Orion this year, and it was one of the first
21 commercial ships to sort of pass through; however, the
22 passage is a long way off from being a major
23 thoroughfare, and there's a lot of talk in the media
24 that would give you a vision of container ships,
25 tankers, and every kind of vessel running through like
26 a highway. And the ice conditions in the passage and
27 in those waters are still dangerous, and it is not

1 appropriate for most vessels that are out on the
2 market. They have to still have ice-strengthened
3 vessels. At this time, we are getting ready. We
4 foresee there will be an interesting time where there
5 will be greater demand. Because the world is getting
6 smaller with trade, Europe wants to talk to and trade
7 with China, and a fast way for Europe to do that is the
8 Northwest Passage, but there's also right now through
9 Russ -- the Russian side of the polar waters, the
10 northern sea route.

11 We are working internationally at the
12 International Maritime Organization. There is
13 something called the "Polar Code" that is in
14 development. Canada is taking a leading role, and I am
15 very pleased that I played a role -- small role with
16 supporting it, and at a recent meeting, the governments
17 of the world affirmed the basic standard for our Arctic
18 Waters Pollutions Prevention Act, that there would be
19 no discharges of oil in polar waters, no discharges of
20 harmful chemicals in polar waters. They then went on
21 to allow for stricter discharges for garbage. Now we
22 have a ban on that. So that's a conversation we will
23 need to have with the people of the north about what
24 they think on that, but, at the same time, while raw
25 sewage may be discharged under the Arctic Waters
26 Pollutions Act, the governments of the world, under the
27 Polar Code, they are stricter conditions for sewage

1 discharge. It introduces more controls.

2 So it offers, I think, a win, and we're right now
3 trying to ensure that these protections which we've won
4 are retained through its final adoption. And we feel
5 this positions a large part of the international fleet,
6 because the Polar Code has environmental protection,
7 but it also has a lot of standards for ice
8 strengthening the hull, for safety precautions, crew
9 training, a lot of other things, and this will provide
10 an advantage. And it's from there that we want to then
11 look at our own domestic standards.

12 And, Craig, would you have anything to add, or --
13 no? I think that -- if that satisfies -- we do see
14 each other outside this meeting so we can talk. I'm
15 free then.

16 THE CHAIR: Okay. Thank you. Ham Kalluk?

17 HAM KALLUK: Thank you, Madam Chair. Ham
18 Kalluk is my name. I, too, am an elder, but I'm weak
19 in mind. Thank you for your statements. You have
20 great statements. I'm not a young spring chicken
21 anymore. I was born in 1936 during the spring of July.
22 My mind hasn't completely matured yet as yours have. I
23 want to say to DFO, regarding animals -- I won't say
24 I'm learned about animals. Ever since I was 7 years
25 old, I used to go with my father on trips hunting,
26 hunting seals, hunting anything -- any animals. I
27 cannot say that -- up to now, that I am a hunter and

1 say I'm a knowledgeable hunter, and this is the truth
2 I'm telling you. But the elders that were -- I follow
3 their sayings. Today I hunt sometimes. Those words
4 they spoke, when I forget about them and try and follow
5 my desires, I'm less successful at hunting. For that
6 reason, I want to say this: Jobs are becoming more
7 available, and the iron mining project is up and
8 running because they want to transport ore. People
9 have thought that DFO, Baffinland, and the traditional
10 Inuit need to completely agree and work out the details
11 and rules. That would be the best option, I believe.

12 Once approved, they won't stop their mining.
13 During part of my life, they know by the Baffinland
14 team that I have been very negative against their
15 project with animals in mind. For example, I did not
16 want their project to go ahead. For that reason, the
17 last -- the last thing I heard from you today when this
18 project is being discussed and jobs and ships,
19 something has entered my mind, that first statement I
20 made. DFO and Baffinland and elders and the regulators
21 need to make a firm ruling on this. Baffinland has
22 been approved. They won't halt their momentum.
23 Yesterday I heard from a Baffinland person say elders'
24 words -- as per elders' words, if they had not seen a
25 caribou calving at Mary River. And I said, No wonder.
26 No wonder they didn't see a caribou calving. All the
27 noise. All the noise: Vehicle noises, Ski-Doo noises,

1 people walking, radios blaring. When you're in the
2 water, when you have a radio under sea, you can hear --
3 when you have a microphone underwater, you can hear all
4 the marine sounds from far away, and on top of the sea
5 ice, a person walking on the sea ice is audible to all
6 the underwater creatures, his footsteps are. For that
7 reason, this is my statement that we need to create a
8 rule that will prevent accidents or misery. That is
9 what I wanted to say.

10 If we create a wrong rule that creates accidents,
11 perhaps the animals would be more scarce, and today
12 they are becoming scarcer. Back when I was young, the
13 area up there under discussion had so many animals, so
14 many narwhal, so many seals. And this is the truth I'm
15 talking. Some of the older guys know about this, that
16 that area was like that. For that reason, this is
17 my -- this is why I'm saying this. I've arrived in
18 today. My father used to hunt only with a kayak. He
19 did not have a boat. He did not have a motorized boat
20 when I was a child. The kayak was all he had. That
21 was his only hunting instrument, but -- there's a
22 "but" -- he did not use arrows. He -- this was the
23 time when guns were available now, and I remember that
24 clearly. He used to hunt with kayaks only, and that
25 area had so many seals, because the ocean was very
26 silent. For that reason, this is why I'm making that
27 statement.

1 The noise, even we Inuit are creating noise by
2 Ski-Doos and boats. With those things -- with these
3 transportation vehicles, cruise ships are becoming more
4 numerous. Be that as it may, more and more ships are
5 arriving with all their noise, and they're not the only
6 ones that make noise. You can hear vehicular noises.
7 They seem quiet, but I have noticed down south -- I
8 have been to Ottawa a few times -- when I was inside,
9 you can hear cars whizzing by. Because noise is
10 becoming more prevalent, the animals we're being
11 concerned about.

12 I hope you're -- I hope you were able to
13 completely understand me. If I'm lying, I'm lying. If
14 I'm telling the truth, I'm telling the truth, as per
15 traditional knowledge. I say this to DFO, I say this
16 to Baffinland, I say this to the people here at the
17 meeting. Yep, some of the older people believe me, but
18 I know that this is the first time some people have
19 heard this message. I'm talking too much, perhaps. I
20 can scold myself. I have so many things to say, but --
21 there's a "but" -- your statements are very good to
22 hear. Yes, the Inuit here, too, are saying great
23 things along with the southerners, but our language --
24 our languages are different, and that's the only
25 differences we have between us. If I were fluent in
26 English, I'd be part of them. Inuit to Inuit can join.
27 Southerners, too, can join in with the Inuit if they

1 were fluent in the language. I'm probably telling the
2 truth. I'm probably not lying. Thank you.

3 THE CHAIR: Jaypootie.

4 MR. ALIQATUQTUQ: Thank you, Madam Chair.

5 Jaypootie Aliqatuqtuq, Nunavut Impact Review Board. My
6 question was somewhat stated. Our waters will be
7 affected when ships start travelling through. I want
8 clarification on that. Somebody had said a little
9 bit -- some -- a little bit about that. Thank you.

10 THE CHAIR: Simon Idlout? Simon.

11 SIMON IDLOUT: Simon Idlout, resident of
12 Resolute Bay. I'll just ask a question regarding
13 explosives. In the past, I knew that dynamite had
14 killed off caribou, musk ox when an oil exploration
15 company was searching for oil, and the other thing, I
16 had seen minors using explosives. Caribou and musk ox,
17 too, were in close vicinity. The oil company's
18 explosives killed caribou and musk ox. My question is,
19 are explosives the same in characteris -- ist -- ist --
20 istics -- or are they different? That's my only
21 question. Thank you.

22 THE TRANSLATOR: Sorry about that.

23 MS. WILLISTON: Natural Resources?

24 THE CHAIR: This is on explosives --
25 different explosives?

26 MS. WILLISTON: Madam Chair, perhaps Natural
27 Resources Canada may be able to answer that. They

1 regulate that.

2 THE CHAIR: Natural Resources?

3 MS. CAVALLARO: Hello, Madam Chair. This is
4 Kate Cavallaro with Natural Resources Canada. I'll
5 start by saying that, in my presentation, I did state
6 that Natural Resources Canada administers the
7 Explosives Act; however, in our administration of that
8 act, we actually provide licences for the manufacture
9 and storage of explosives. What I can say to answer
10 this question is that, yes, there are generally
11 different types of explosives that different companies
12 can use for different purposes. Unfortunately, I'm not
13 aware of the situation that you described, and I'm not
14 sure what type of explosives would have been used in
15 that situation. In terms of what Baffinland's --
16 Baffinland is using for their project, I think they
17 would be in the best position to respond to the types
18 of explosives. I know it's an ammonium nitrate, but
19 perhaps you guys would like to give a little bit more
20 detail on that, and then you could also explain
21 blasting versus what we do, which is a license for the
22 storage and the manufacturing of the actual explosive,
23 versus what Baffinland will be doing is using
24 explosives. And the use of explosives, that is more
25 regulated through the Government of Nunavut, who I know
26 is also here and may be able to speak to that. Thank
27 you.

1 THE CHAIR: Baffinland?

2 MR. CURRAN: Thank you, Madam Chair. It's
3 Oliver Curran with Baffinland. So the information that
4 Kate gave is a good overview. So they're -- NRCan
5 provides the licence for the use and manufacturing of
6 explosives on site. Baffinland will be using a mixture
7 of ammonium nitrate to create what's called AN/FO. So
8 we manufacture -- we will be manufacturing the
9 explosives on site, and that's the licence that NRCan
10 is currently reviewing, and they will issue us a permit
11 for the manufacturing of explosives on site.

12 Prior to getting that licence, we are using
13 prepackaged explosives. So explosives come on a
14 sealift, they're prepackaged, and they're essentially
15 ready to use, but once we get that emulsion plant
16 constructed on site and have the permit from NRCan,
17 then we will be using -- we'll be manufacturing our
18 explosives on site.

19 And the use of explosives is governed by, like
20 Kate said, the Government of Nunavut and also the --
21 the Mine Safety Act. The use of explosives is a very
22 well-understood practice, so it's well regulated. The
23 blasting pressures and the risks and the dangers
24 associated with it are well understood. So the
25 safety -- the safety practices have evolved over many
26 decades. Thank you.

27 THE CHAIR: Thank you. It is now 7:45.

1 We will go on to hear Hamlet of Pond Inlet and the
2 Mittimatalik HTO presentation, as well as Zacharias
3 Kunuk and some deferred response from Baffinland and,
4 also, NTI closing remarks. So still quite a ways to go
5 yet, so let's take a few minutes' break. The caterers
6 will be bringing caribou soup for your evening snack,
7 and they'll be available on the table.

8 (ADJOURNMENT)

9 THE CHAIR: Shall we get started, please.
10 I understand, Baffinland, you have a question to
11 Transport Canada.

12 MR. ARMSTRONG: Thank you, Madam Chair. Brad
13 Armstrong for Baffinland. Yes, we just wanted to
14 confirm, and we've spoken with Mr. Topping about this
15 with Transport Canada. The commitment that Baffinland
16 has made to require the shipowners to do testing at
17 port before discharging, we just wanted Mr. Topping to
18 comment on that as going beyond -- beyond the
19 requirement of the existing regulations, if we could
20 ask him to do that for us.

21 MR. TOPPING: Thank you, Ms. Chair. Paul
22 Topping, Transport Canada. The commitment by
23 Baffinland to test the salinity of the ballast water of
24 their ore carrier prior to loading and prior to
25 discharging ballast water in Milne Inlet is over
26 above -- and above our regulatory requirements. We
27 encourage pretesting, we encourage testing at sea, and

1 we understand, in conversation with Baffinland, they'll
2 be testing while en route, and this represents an extra
3 verification test, of which both tests are above our
4 particular requirements. So just we are pleased to
5 note that for the record and pleased that Baffinland's
6 agreed with that condition to take -- to take that
7 commitment on. It provides an extra level of
8 verification that they're complying with our
9 requirements. Thank you.

10 THE CHAIR: Thank you. Okay. Thank you.
11 Next we have the Hamlet and the HTO. Are they
12 together? Okay. The Hamlet of Pond Inlet can give
13 their summarized presentation. You may proceed.

14 MS. ELVERUM: Thank you, Madam Chair. I'm
15 not certain whether or not the other member from Hamlet
16 council needs to be sworn or affirmed.

17 THE CHAIR: Legal counsel.

18 MS. MEADOWS: Thank you, Madam Chair. Thank
19 you, Shelly, for identifying that. If I can get you to
20 state and spell your name for the record, please.

21 MR. ARREAK: Joshua Arreak, J-O-S-H-U-A,
22 A-R-R-E-A-K. I am the deputy mayor of Pond Inlet.

23 MS. MEADOWS: Thank you. And would you like
24 to be sworn or affirmed?

25 MR. ARREAK: Affirm.

26 JOSHUA ARREAK, Affirmed

27 MS. MEADOWS: Thank you. You may proceed.

1 Presentation by the Hamlet of Pond Inlet

2 MR. ARREAK: (OTHER LANGUAGE SPOKEN).

3 First of all, thank -- thank -- I thank everyone and
4 the NIRB for allowing us to make a presentation and to
5 Baffinland and to the community roundtable and to the
6 public and to both governments, the GN, and AANDC. I
7 would like to welcome everyone who is not originally
8 from here to feel welcome to our community. We're very
9 proud that the residents of Grise Fiord are able to
10 come here. We'd like to ensure that they are welcomed
11 in our community, as they are a part of our region.

12 MS. ELVERUM: Thank you, Madam Chair. For
13 those of you who saw the presentation yesterday, I hope
14 you enjoy it again today. At this point, I want to
15 mention that the name of this hall, the Attakalik Hall,
16 is named after an elder who had a very large role to
17 play in representing the community in the early stages
18 of the project with Baffinland, and I think it's
19 important for everybody to know that. We want to thank
20 NIRB. We respect the process that you have here, and
21 we're glad that you're here to hear what we have to
22 say. We want to thank the intervenors, both for their
23 support and their assistance. These are technical
24 issues that we have struggled with for a few years to
25 try to understand. And thank you to Baffinland for
26 being a good partner. Even though we don't always
27 agree on things, we've all been glad that they come to

1 the community and they're here to hear what the Hamlet
2 has to say.

3 I'd like to note that we have been appointed by
4 Hamlet council, that these are not our opinions --
5 these are not our personal opinions. The role of the
6 Hamlet is to listen and to represent the information
7 that we get from community meetings, from delegates,
8 and from individuals in the community. It's our role
9 to make sure that the NIRB Board and the intervenors,
10 as well as Baffinland, do the best job they can to
11 promote the good sides of this project while preventing
12 any negative environmental or social consequences.

13 We know that not one single person in this room
14 probably has the same opinion on this project, and,
15 therefore, not one single person can stand up and claim
16 to speak on behalf of the community, because for every
17 person who says a good thing, there will be a person
18 who has a negative opinion, and we want to make sure
19 that both sides are equally heard and understood. For
20 each person that stands up and says that their family
21 has benefitted from the income from a job at Mary
22 River, there will probably be a person who stands up
23 and says that it has been a stressful thing for their
24 family. As you've heard here, many people feel that
25 this is the path forward for the youth, and just as
26 many people will stand up and say that they fear that
27 the youth are losing their culture and traditional

1 skills. There will be just as many people who stand up
2 and say that they believe that this is positive for the
3 economy of both the community of Pond Inlet and for
4 Nunavut, and there will be just as many people who
5 stand up and point out that they feel that there is
6 negative environmental issues that might outweigh the
7 benefits. Ultimately, the role of the Hamlet is to
8 make sure that both sides are presented so that NIRB
9 can make the right recommendations that help us promote
10 the good and prevent the bad. Really, what we want to
11 make sure, as the Hamlet of Pond Inlet, is that
12 everyone in this room feels that they have the right to
13 make a choice that is right for them.

14 I would like to point out at this time that this
15 presentation and the words that you'll see on the
16 slides are in English. This is because the
17 presentation was originally intended for the Baffinland
18 staff and for the intervenors who speak English so that
19 there would be no misinterpretation and so they could
20 clearly understand why the community worked so hard to
21 make sure that our voices are heard. And if, at any
22 time, I'm not understandable or if the words on the
23 screen are not understandable, please feel free to ask
24 us questions.

25 We'd like to start out with a picture of a person
26 who is now passed away. This person was the leader for
27 this community in setting up the traditional knowledge

1 project, and you -- you see a picture of him here as
2 part of a training project training community members
3 to collect traditional knowledge. This became one of
4 the major parts of the early Baffinland work and a part
5 that this community is very proud to be a part of. And
6 in this picture, you see a young child who was named
7 after that elder, and he's in front of all the
8 information that was collected by that elder. So these
9 maps and this knowledge from the elder were preserved
10 through the work that was done with the Baffinland
11 project, and we're very grateful for that. But this
12 child also represents the reason why this community has
13 worked so hard to have our voices heard.

14 So as I pointed out, this presentation is not my
15 personal opinion; it's not Joshua's personal opinion.
16 These are approved messages that the Hamlet council of
17 Pond Inlet worked very hard on since the early revenue
18 phase was identified so that we can try to represent
19 both the good and the bad sides so that the best
20 choices can be made.

21 It's very clear when you listen to everyone around
22 this table that everybody respects Inuit
23 qaujimajatuganagit and understands the strength of the
24 past is what got people here, but at the same time,
25 you'll hear people very clearly wanting to make sure
26 that the communities are moving forward and making
27 their own choices and being able to speak and be heard

1 clearly. It's been a very important part of the work
2 we're doing on Hamlet council to make sure that the
3 community does feel that they have the freedom to be
4 heard and to make their own choices.

5 As we've repeated many times, it's important for
6 this community, especially as being the most affected
7 by the early revenue phase, to be a part of all
8 research, decision-making, and monitoring that will be
9 affecting the community, and we've stated a number of
10 times that it's not okay just to hire Inuit as bear
11 monitors or just to hire Inuit to work on a small part
12 of research. It is critical that Inuit are involved in
13 all aspects of this program and all aspects of the
14 future monitoring so that it truly is resulting in work
15 that represents Inuit.

16 And I'd like to point out, throughout this
17 presentation, you will see pictures of this community
18 working really hard to make sure that their knowledge
19 and their ideas are part of this project, because
20 ultimately it's the love of the land and the water and
21 everything that supports people's lives. That's why
22 we're all here. We're all here because, in one way or
23 another, we want to make sure that the right decisions
24 are made.

25 A very big part of this is that everyone wants to
26 make sure they're making the right decision for their
27 family. What is right for one family might not be

1 right for another family, and I do want to encourage
2 everybody to respect each other's opinions on this. It
3 seems like it's starting to get very unfriendly because
4 different people have different opinions, and please
5 remember that what is right for your family might not
6 be the right thing for another family. The important
7 thing is that you have the right to make a choice on
8 what is your best choice for your family.

9 For most people, that choice involves making sure
10 that their family is fed. Whether you choose to do it
11 by taking a job at a mine or by hunting, it's important
12 for everybody to have unimpaired access -- (OTHER
13 LANGUAGE SPOKEN) -- but having unimpaired access to
14 food, to the right food that nourishes your body and
15 your soul.

16 And while people are looking forward to gaining
17 new skills to be able to get new jobs, it's also
18 important that the traditional skills are maintained so
19 that you don't use the things that are so important
20 that keep Inuit culture alive. So we've noted that
21 it's important, in spite of all future development, to
22 maintain traditional skills and have access to the
23 traditional materials such as seal skin to keep the
24 traditions alive.

25 We'd just like to show you some pictures of our
26 community and of the people who are a part of this
27 project and who will be affected by this project. And

1 maybe we got a little tired of constantly hearing "not
2 significant" in Baffinland's reports. So we wanted to
3 just point out that Inuit are the most highly
4 significant part of the Baffinland project, and we want
5 you to understand why people are here and making these
6 statements that they're making, because we want to make
7 sure that any project that happens, that gets approval,
8 cares for the people and the environment.

9 Am I going too fast?

10 Joanna pointed out earlier that ultimately this is
11 the home for Inuit, and okay. I'm not. I know. But I
12 feel like this is my home, as well, and I understand
13 the love that people have for it, and I understand the
14 generations of people who have survived here and that
15 that will never change. And I understand her feelings
16 when she points out that this will be the home for
17 Inuit forever. That is why it's so critical to make
18 sure that any approved project happens in a way that is
19 supportive of people and the environment.

20 And at this point, when I presented to the
21 intervenors, I wanted to point out that all the
22 intervenors who are here -- whether they're from
23 Fisheries and Oceans, Parks Canada, Environment Canada,
24 DFO -- everybody at the table has the power to make
25 sure that the community is heard and that terms and
26 conditions are created that support both the traditions
27 and the future.

1 And we'd just like to invite you to take a few
2 minutes just to see the faces of people in our
3 community and how beautiful the land is here, and I
4 especially welcome people from other communities to
5 just enjoy a little bit, because all you've seen of our
6 community is this building. And it's very nice, but
7 maybe I can take you on a little tour around. So
8 please bear with me and just -- in silence, just enjoy
9 the beauty that is here.

10 The next few slides have pictures of elders who
11 have passed away but who contributed a great deal to
12 our understanding of what the impacts might be with a
13 mining project like Baffinland. They were great
14 leaders who always cautioned us to be very calm and
15 very respectful of Inuit knowledge and to make sure
16 that people didn't jump to conclusions but carefully
17 thought out how to make the best decisions for the
18 community. This is the person that the C-Hall is named
19 after.

20 So we're very happy that the NIRB Board is here to
21 hear the concerns of the people of Pond Inlet. So
22 please take our comments and do whatever is needed to
23 keep the land, water, animals, and people safe, healthy
24 and happy. Oh, and I want to thank all the community
25 members who donated pictures for this. It was -- it
26 was a beautiful thing to be able to look through all
27 the pictures the people were so proud of.

1 MR. ARREAK: Also, the -- using the Inuit
2 language, we -- we truly hold our language dearly, and
3 the elders who speak to us, we hold their thoughts, and
4 it's for a fact that, even though their presentations
5 and statements aren't written, just through their
6 verbal communication, we believe every word they speak
7 of. We -- we used the Inuit traditional knowledge from
8 the time when time began. We are very proud of our
9 language and our traditional knowledge, as well.

10 THE CHAIR: Thank you. Next we will be
11 hearing from the Mittimatalik HTO, a shorter summarized
12 presentation, and then we will open the floor for
13 questions. Go ahead.

14 Presentation by Mittimatalik Hunters and Trappers
15 Organization

16 MS. KILLIKTEE: Hi. My name is Amy Killiktee,
17 HTO secretary manager, and my colleague is Jimmy
18 Pitseolak, vice chair of Hunters and Trappers
19 Organization. The Mittimatalik Hunters and Trappers
20 Organization, we're requesting from NIRB to be
21 participants during the Baffinland's early revenue
22 phase. The reason why we want to partake during the
23 early revenue phase was that in -- due to the fact that
24 hunters and trappers and also marine mammals will be
25 impacted greatly. We sent a letter to Nunavut Impact
26 Review Board so that employees at the Mary River and
27 Milne Inlet will be able to harvest caribou under 62

1 and 124. And we wanted NIRB to change Baffinland's
2 policy, and, also, it is required under the Inuit
3 Impact Benefit Agreement, Article 11. And, also, it
4 was a concern by the Board members, that the hunting
5 areas -- and, also, that Hunters and Trappers
6 Organization have a vehicle available at Milne Inlet
7 provided by Baffinland for hunters' use, and, also,
8 that vehicle can transport the hunting equipment of the
9 hunters so they -- and the fact that they go way beyond
10 their normal hunting areas, and, therefore, we
11 requested that gas be provided by Baffinland, and that
12 is also included under Article 13 of the IIBA. And,
13 also, Hunters and Trappers Organization want to partake
14 in any research or monitoring programs and want to be
15 informed, and that is recorded under term and condition
16 199(c) and 112 be amended so that Hunters and Trappers
17 Organization partake in monitoring programs.

18 Baffinland's early revenue phase, if that were to
19 proceed, then Eclipse Sound would be utilizing the HTO
20 request that ships slow down when the ships are in the
21 area so that hunters' equipment won't be damaged by the
22 ship's wake. We want to remind you that, within the
23 Nunavut Land Claims Agreement, Article 3.1 states that
24 if anything is damaged due to the operation of the
25 project, Baffinland would have to compensate the
26 hunters. And, also, under terms and conditions 81 be
27 amended by NIRB that research -- wake of the ships be

1 monitored from Button Point up to Milne Inlet, whether
2 to see if it has any negative effect on the shore.
3 And, also, monitoring of char under 113 -- 113 be
4 amended to include Milne Inlet to be -- to add Milne
5 Inlet and that char be monitored in the Milne Inlet
6 area. Now, that original certificate was pertaining to
7 Steensby Inlet, so we requested that policy be --
8 include Milne Inlet area. And, also, narwhals were
9 monitored at Bruce Head, and, also, we request that
10 more monitors be included, more research be undertaken
11 starting from Button Point through the shipping route,
12 and they establish three monitoring sites for narwhals.

13 And, also, Mittimatalik Hunters and Trappers
14 Organization met with Baffinland last summer, I think,
15 or maybe it was in December in regards to some safety
16 issues, and, also, we wanted to present a letter so the
17 public can see in regards to the Milne Inlet tote road.
18 So we will still continue to work on this after having
19 several meetings. So Jimmy has something else to say.

20 MR. PITSEOLAK: Thank you, Madam Chair. In
21 regards to the polar bear monitoring, I will be making
22 a brief comment as to how that might have an impact,
23 and it's not official yet. It will be in two
24 thousand -- from 2003 to 2012, on an annual basis, we
25 have 130 narwhal tags, and looking at that period from
26 2003 to 2012 there were 1,300 narwhal tags that were
27 issued to Pond Inlet. 738 were used by hunters who

1 harvested narwhal from 2003 to 2012, and every year, it
2 is estimated that 56.76 percent of the narwhals are
3 harvested, and 43-point-whatever percent are left
4 unused. Since 2007 to 2012, Hunters and Trappers
5 Organization have purchased narwhal skin from
6 harvesters. 179,073 pounds were made available for
7 sale to the public. To generate revenue for Hunters
8 and Trappers Organization, 251,536 -- 35, and when you
9 averaged that for one year, Hunters and Trappers
10 Organization sell narwhal skin or muktaaq, \$29,833.45.

11 The research was done by Ehnookie Inuarak when he
12 was training at Arctic College under the environmental
13 technology program. But are taught that, if we were to
14 be impacted by the mining project, we would request
15 Baffinland some compensation. Those reports were
16 prepared by Ehnookie, that we're very grateful from
17 HTO.

18 And, also, on a second matter pertaining to char.
19 So I will tell you how much char is purchased. I will
20 try to be brief. Since 2007 to 2012 period, HTO
21 purchased -- had purchased 18,313 tons, 9,138 pounds.
22 The -- we sell the char and have produced \$22,920 from
23 sale of char. When you average that one year, \$5,584
24 is an average per year. Total pounds for the year is
25 estimated at -- we had bought char from the lakes.
26 Total -- total weight is 15,000 on an annual basis, and
27 the total weight, when we divide that -- and if you

1 have any questions or comments, we will try to respond.

2 Thank you.

3 THE CHAIR: Thank you. Any questions to
4 the Hamlet of Pond Inlet or to the HTO? Hamlet or to
5 the HTO? Josie Enuaraq?

6 JOSIE ENUARAQ: Thank you, Madam Chair. My
7 name is Josie Enuaraq from Clyde River, from the Hamlet
8 council. My question is to the Hamlet council. In
9 regards to the tote road from Mary River to Milne Inlet
10 and maybe, perhaps, during the 1960s, that tote road
11 was built, and that road was improved or upgraded by
12 Baffinland. That's my question. Was that tote road
13 upgraded? Thank you.

14 THE CHAIR: Hamlet of Pond Inlet?

15 MR. ARREAK: Thank you, Madam Chair.
16 Joshua Arreak, Hamlet council. Perhaps that person who
17 was -- who -- a member who was one who built -- who
18 helped upgrade the road, he will comment.

19 ELIJAH PANIPAKOOCHO: Yes. We were told to be
20 honest. My name is Elijah Panipakoocho. Even though
21 I'm with Hunters and Trappers Organization, but in
22 regards to the question, I am aware, because I, in
23 1962, I helped build the tote road. The tote road that
24 was built, it was upgraded in 2005 -- either in 2005 or
25 2006 when the project first started out. So they just
26 upgraded the original road. That's all I can respond
27 to. Thank you.

1 THE CHAIR: Josie?

2 JOSIE ENUARAQ: Thank you, Madam Chair. The
3 reason why I asked that question, in our area, there's
4 a lot of rough terrain, and sometimes you have to go
5 through some hills. And that is really -- so we were
6 wondering, perhaps that landscape can be smoothed.
7 That's why I asked that question. Thank you.

8 THE CHAIR: Jacobie?

9 JACOBIE IQALUKJUAK: Thank you. My name is Jacobie
10 Iqalukjuak from Clyde River, Hunters and Trappers
11 chairperson in Clyde River. I want to ask Hunters and
12 Trappers members, even though it was not mentioned, but
13 I have seen it in some documents, in regards to polar
14 bear monitors, how was that established? Polar bear
15 monitor program, was that established? Was it -- like,
16 are there going to be -- there's probably going to be
17 five polar bear monitors from the five communities. If
18 a polar bear were to be killed and when there was a --
19 if there's a polar bear monitoring in Clyde River and
20 that polar bear is not killed and if it's a defence
21 kill, then it will be removed from our quota. If a
22 polar bear monitor harvested a polar bear, then the
23 polar bear quota in Clyde River will be reduced?
24 That's my question. I will comment some more.

25 THE CHAIR: HTO?

26 MS. KILLIKTEE: Thank you, Madam Chair. Last
27 summer, maybe it was this fall, a polar bear was

1 killed. I don't know where. I don't know who the
2 person was who killed that polar bear. Under the IIBA,
3 it states that the community closest to where the
4 defence -- polar bear was killed, then the quota would
5 be removed from the closest community, and, therefore,
6 we were the closest community to Milne Inlet when that
7 polar bear was killed. So, therefore, that polar bear
8 was given to us and got -- one tag got reduced as a
9 result. And Baffinland -- we worked closely with
10 Baffinland and QIA, but the polar bear monitor at that
11 time wasn't really sure how to butcher that polar bear.
12 So apparently, when we received that polar bear,
13 that -- the meat got rotten. So, therefore, we only
14 fed it to the dog. So QIA and Baffinland is still
15 working on the issue, but under the Inuit Impact
16 Benefit Agreement, according to my understanding, the
17 community closest to where the polar bear was killed
18 would -- their quota would be reduced.

19 JACOBIE IQALUKJUAK: Thank you. I still want to
20 make supplementary comments. As a community in Clyde
21 River -- I don't know if all of the five communities
22 are in the same situation -- whenever someone kills a
23 polar bear, and if three bears are harvested, then the
24 community's polar bear tags would be reduced by six.
25 So we have to be very careful. If all the communities
26 were in that situation, then Baffinland Iron Mines --
27 we want both Baffinland Iron Mines to be aware of this.

1 Thank you.

2 THE CHAIR: Phillip?

3 MR. KADLUN: Thank you, Madam Chair.

4 Phillip Kadlun, Nunavut Impact Review Board. For my
5 clarification, maybe some of my colleagues here on the
6 table, in the reference to the harvesting by the
7 employees, could you clarify for us -- for me mostly --
8 in regards to the storage -- storage of the harvesting
9 equipment, be it firearm, harpoon, or whatever, could
10 you clarify how that needs to be handled? Thank you,
11 Madam Chair.

12 MS. KILLIKTEE: Thank you, Madam Chair.

13 During the Board of Directors meeting, a resolution was
14 made to -- that -- while we were drafting that letter
15 to Nunavut Impact Review Board, a resolution was made
16 that Hunters and Trappers Organization in Pond Inlet
17 were to be provided a vehicle so that hunters can use
18 that vehicle whenever they go through Milne Inlet or
19 Mary River, so that a vehicle be made available. So a
20 resolution was passed. So that's what passed during
21 the final written submission -- it was included in the
22 final written submission, but we did not get a response
23 from Baffinland. They just responded to our cabins
24 situation.

25 MR. KADLUN: Thank you, Madam Chair,
26 Phillip Kadlun, Nunavut Impact Review Board. How about
27 let me rephrase. It may be a little bit easier for

1 everybody to understand. Where are the firearms,
2 harpoons, stuff like that stored if they are -- if the
3 employees were able to harvest on the Mary River site?
4 Thank you, Madam Chair.

5 THE CHAIR: So are you asking Baffinland?

6 MR. KADLUN: Madam Chair, Phillip Kadlun
7 again, Nunavut Impact Review Board. I was assuming the
8 HTO would set -- or in conjunction with the
9 proponent -- as to where the harvesting equipment will
10 be stored, harvesting equipment that is to be used by
11 the employees. Thank you, Madam Chair.

12 THE CHAIR: HTO?

13 MS. KILLIKTEE: Thank you, Madam Chair. Polar
14 bear monitors are employees of Baffinland. If that
15 were to be -- if the policy of -- the no-hunting policy
16 by Baffinland were to be amended due to safety
17 purposes, because of the fact that they were 12-hour
18 shifts. We strived very hard and continue to strive
19 hard that the mine employees be able to harvest
20 caribou, but if safety is going to be an issue, at
21 least they take one or two days off. And they will get
22 prior approval, and, that way, they can go harvesting.
23 But Baffinland Iron Mines -- like, if their employees
24 are allowed to go harvesting and we want them to be
25 provided hunting equipment, snowmobiles, Coleman
26 stoves, and the like, and they probably can establish a
27 storage shed to store hunting equipment if they were to

1 change their policy.

2 MR. KADLUN: Thank you, Madam Chair.

3 THE CHAIR: Thank you. It is now almost
4 9:00, and I'm just going to ask for two more people to
5 ask questions, because we still have to hear from
6 Zacharias Kunuk. There's also a deferred response from
7 QIA, and NTI is giving closing remarks because they are
8 leaving tomorrow morning. We will be here all day
9 tomorrow starting at 9 until 5:00 so there will be lots
10 of time to still ask questions to give your last
11 opportunity to talk to Baffinland or to the
12 intervenors, but because it's getting late, I'm going
13 to cut down to just two more questions tonight. But
14 there will be more questions tomorrow. Tatatuapik?

15 TOMMY TATATUAPIK: Tommy Tatatuapik, pretty old
16 guy from Arctic Bay. I can wait until tomorrow for my
17 question. I'm okay with not saying anything tonight.
18 Thank you.

19 THE CHAIR: What were you going to ask?

20 TOMMY TATATUAPIK: I was going to ask the HTO.

21 THE CHAIR: Okay. Go ahead and ask them.

22 TOMMY TATATUAPIK: I'm asking regarding the HTO.
23 For example, the Pond Inlet community's hunting issues
24 have been discussed mostly. When Mary River is -- when
25 Mary River has employees from Arctic Bay and other
26 communities, it seems like Pond Inlet is the main
27 focus. What are you saying? My question is, will that

1 equipment apply to all employees, and those who are
2 allowed -- who will be allowed to hunt there that go up
3 there, I'm thinking that, when they're ready to go
4 home, that they only be allowed to go home -- food that
5 they will be able bring home, only at the -- near the
6 end of their term and then be allowed to carry guns.
7 That's my thought.

8 When we worked for employees for Panarctic Oils
9 for seven years, eight years -- I worked there for
10 eight years -- the Grise Fiord people, twice we took
11 them -- we took them by airplane to go hunting. I
12 remember these things. Thank you, Madam Chair.

13 THE CHAIR: HTO?

14 MS. KILLIKTEE: Thank you, Madam Chair.

15 Whenever I discuss employees being able to hunt, I'm
16 talking about all employees, not just Pond Inlet
17 employees. Your other statement, I didn't really
18 understand. I'm sorry.

19 THE CHAIR: (OTHER LANGUAGE SPOKEN)

20 TOMMY TATATUAPIK: Thank you, Madam Chair. The
21 ability to be allowed to hunt, employees should only be
22 allowed to hunt if they'll be returning home from their
23 two-week term. If he were to hunt too early during his
24 term there, the food will spoil, but I would appreciate
25 it if they could go hunting if their term is nearly up
26 and they're ready to go home. I hope that's
27 understandable.

1 THE CHAIR: Just for your information,
2 HTO. Okay. Thank you. Simon Idlout.

3 SIMON IDLOUT: Simon Idlout, resident of
4 Resolute Bay, also from the HTO. I've been dealing
5 with polar bears for a long time. Our community is
6 full of polar bear. The polar bears that we killed, we
7 give them to the wildlife people. Our community
8 members don't get a share whatsoever, and a tag is
9 taken from our allotment. We don't use tags from our
10 community. Even if I caught the polar bear, it wasn't
11 within the rules, so the wildlife people take the polar
12 bear. And for so many years, we've been catching polar
13 bear, and this is the process that is in place, but we
14 haven't really worked this out yet. If a -- if a
15 person were to kill -- if an employee were to kill a
16 polar bear, not for hunting, and was paid lower than
17 employees, and this would be sort of like sport
18 hunting, if they were a company. Yeah, we believe that
19 this hunting on the job situation has not been worked
20 out fully. Polar bears all night -- for example, RCMP
21 get calls all night. It's the same situation with me.
22 All -- during all parts of the day and night, I've been
23 getting calls for years and years. Yep, Inuit culture
24 is okay. Inuit culture is good. Animals -- an animal,
25 you can just kill it.

26 We've tried to get approval from Canadian Wildlife
27 Service that, if a company man gets a polar bear, what

1 would the situation be? If an Inuit caught a polar
2 bear, what would the situation be? In our community,
3 if an Inuk shoots the polar bear, we would only charge
4 the company half price, but if the company were to
5 catch a polar bear, not a hunter -- for example, we
6 remember those sport hunters -- and we would charge
7 them sports hunter rates, and we would issue him a tag
8 that our conservation officer would issue, and that's
9 how it is in our community.

10 THE CHAIR: We will now hear Zacharias
11 Kunuk's presentation. Legal counsel?

12 MS. MEADOWS: Thank you, Madam Chair.
13 Teresa Meadows, legal counsel for the Nunavut Impact
14 Review Board. If I can please have the witnesses state
15 and spell their names for the record.

16 ZACHARIAS Kunuk: Zacharias Kunuk,
17 Z-A-C-H-A-R-I-A-S, Kunuk, K-U-N-A-K.

18 JONATHAN FRANTZ: Jonathan Frantz,
19 J-O-N-A-T-H-A-N, F-R-A-N-T-Z.

20 ZACHARIAS KUNUK, JONATHAN FRANTZ, Affirmed
21 Presentation by Zacharias Kunuk and Isuma TV

22 ZACHARIAS KUNUK: Thank you, Madam Chair. My
23 notes from our lawyer were not great, so we couldn't
24 bring our lawyer along. Documents written by lawyers
25 are in big \$10, \$30 words, and my colleague will read
26 that. And first of all, my employee, David, has been
27 filming this the whole time, and we're being broadcast

1 on the internet in both languages, and Carol Kunnuk,
2 our computer expert, is here with us. Jon, if you can
3 start, it's getting very late.

4 JOHNATHAN FRANTZ: Okay. So I will just read out
5 a short submission, and then we'll also file copies of
6 this as well in Inuktitut and English. So the
7 submissions of Dr. Zacharias Kunuk, Isuma TV, and its
8 affiliates to the Nunavut Impact Review Board have
9 concentrated on two themes: One, the importance of
10 integrating international human rights standards as
11 Baffinland further develops its corporate
12 responsibility policies, procedures, and practices for
13 the Mary River mine. And two, the importance of
14 informing and consulting Inuit and other effective
15 stakeholders over the mine's lifespan.

16 With respect to the first theme on human rights
17 standards, we note that Baffinland has not included
18 additional information in the addendum to the final
19 environmental impact statement about further
20 development of its corporate responsibility policies.
21 In line with Arcelor Mittal's group level arrangements
22 and relevant international standards, such as the
23 international standards organization's 26000-2010, we
24 understand that Baffinland updates its corporate
25 responsibility policies on an ongoing basis and must
26 currently prioritize its efforts on fulfilling the
27 regulatory requirements for the Nunavut Impact Review

1 Board and the Nunavut Planning Commission's review
2 process. Therefore, we will continue to engage with
3 Baffinland about the development of these corporate
4 responsibility policies as they develop the Mary River
5 mine.

6 So we have three recommendations: Our first
7 recommendation is that Baffinland reiterate its
8 voluntary commitment about the development of corporate
9 responsibility policies, which are in line with Arcelor
10 Mittal's group level arrangements, the international
11 standards contained in the international standards
12 organization's 26 000-2010, and other relevant
13 standards such as the UN guiding principles on business
14 and human rights. We recommend that Baffinland provide
15 an indicative timeline for the development of these
16 corporate responsibility policies, including through
17 consultation with relevant parties and affected
18 stakeholders.

19 With respect to the second theme of informing and
20 consulting with Inuit and other affected stakeholders,
21 we commend the information and consultation process
22 that Baffinland and other parties have contributed to
23 under the supervision of the Nunavut Impact Review
24 Board. We note that the early revenue phase is
25 premised on eventually proceeding with a project as
26 approved by the Nunavut Impact Review Board in December
27 2012, which is the full Steensby Inlet project;

1 however, as there is no certainty about the timeline
2 and next steps for developing the originally approved
3 project, we highlight the importance of providing
4 ongoing information and opportunities for consultation
5 with Inuit and other affected stakeholders during the
6 early revenue phase and the transition period toward
7 construction of the full Steensby Inlet project. So in
8 this regard, we highlight the following terms and
9 conditions in Section 4.1 of the original project
10 certificate. General term and condition number 3: The
11 Nunavut Impact Review Board will schedule periodic
12 updates regarding its monitoring program for the
13 communities most affected by the project. Term and
14 condition number 9: The proponent shall make its
15 monitoring results available to the fullest extent
16 possible in English and Inuktitut. Term and condition
17 number 12: The proponent shall establish a
18 project-specific web portal or web page as a means of
19 making all nonconfidential monitoring and reporting
20 information associated with the project available to
21 the general public. This does not limit what the
22 proponent may be required to submit to the Nunavut
23 Impact Review Board or other regulatory authorities.
24 In addition, we note that the original final
25 environmental impact statement and the addendum for the
26 final environmental impact statement contain
27 information and plans related to Baffinland's

1 consultation and stakeholder engagement. Moreover,
2 Baffinland and the Qikiqtani Inuit Association have
3 also made commitments about providing information to
4 communities and beneficiaries about the implementation
5 of the Inuit Impact and Benefits Agreement. We commend
6 all these complimentary conditions and commitments
7 related to informing and consulting Inuit and affected
8 stakeholders on an ongoing basis.

9 As we stated in our submission to the Nunavut
10 Impact Review Board in Igloolik on July 23rd, 2012:
11 Consultation and consent should not be viewed as a
12 one-time event in the context of obtaining the project
13 certificate, but rather as a continuous process of
14 building and maintaining trust and respecting the
15 rights of Inuit and other stakeholders. Consultation
16 processes are, by their very nature, complex and
17 imperfect. Their success requires the sustained
18 efforts of many parties over a long period of time.
19 They can always be improved. Translation of
20 information about the mine into Inuktitut is important
21 to ensure that all community members understand what is
22 happening, as well as to respect Inuit culture and
23 rights.

24 Recommendation number 2: That the Nunavut Impact
25 Review Board, Baffinland, the Qikiqtani Inuit
26 Association, and other relevant parties that will be
27 involved in the implementation of the above-noted

1 conditions undertake a participatory assessment of
2 the various information and consultation mechanisms and
3 processes that have been utilized to date for the
4 development of the Mary River mine. The objective of
5 such an assessment is to identify the best practices
6 for sharing information and most effective means of
7 consulting with Inuit on an ongoing basis. It should
8 also identify opportunities for coordinating the
9 various information and consultation plans on a
10 going-forward basis.

11 One of the most important aspects of effective
12 informing and consulting Inuit relates to the use of
13 oral Inuktitut, rather than English, French, or even
14 Inuktitut syllabics. Using oral Inuktitut to inform
15 and consult Inuit ensures that they are able to
16 understand a proposed project and its potential impacts
17 on their environment, communities, and human rights.
18 Given the wide-spread use of inexpensive 21st century
19 audiovisual tools, such as internet, mobile cameras,
20 and iPods, et cetera, efforts to inform and consult
21 should incorporate oral Inuktitut through radio,
22 television, video, and/or media-based internet. The
23 bandwidth to support media-based internet is cheap and
24 universally accessible down south. However, it is
25 still not available in remote communities in Nunavut.
26 Therefore, the development of an effective platform for
27 ongoing consultation with affected stakeholders

1 requires additional investment by the proponent and
2 other relevant parties, either through investing in
3 sufficient bandwidth, for media-based internet use in
4 all affected communities, or by establishing or
5 supporting a local server network that enables internet
6 media to be cached, played, and televised through local
7 TV channels.

8 So the final recommendation number 3: That future
9 information for the Mary River mine include the
10 development of a project-specific web portal, as per
11 condition 12 of the project certificate. This is an
12 obvious mechanism for providing information in a timely
13 and coordinated manner. In developing the
14 project-specific website, the Nunavut Impact Review
15 Board, proponent, Qikiqtani Inuit Association, and
16 other relevant parties, including the Government of
17 Canada and Government of Nunavut, should address the
18 current technical and cost barriers to internet access
19 in order to make the web portal accessible and
20 effective at the community level. This specifically
21 entails that the web portal have the capacity to
22 support media-based audiovisual oral Inuktitut
23 communications that can be downloaded, played, and
24 televised in the Baffin's region low bandwidth
25 environment through enhanced bandwidth to communities
26 or through a local server network. So that concludes
27 our presentation.

1 THE CHAIR: Thank you. So Zacharias and
2 his company is going -- is giving a recommendation to
3 the Board. Any questions? Board staff?

4 MR. BARRY: Thank you, Madam Chair. Ryan
5 Barry with the Nunavut Impact Review Board staff. No
6 questions. We appreciate, I think, the submission
7 certainly, and we look at the recommendations very
8 seriously. The Board is constantly looking at its own
9 public outreach and engagement, and I think there is
10 some valid suggestions being made. We're hopeful to
11 have a new public registry site released later this
12 year, actually. We're aiming for April 1st. So we're
13 hopeful that will begin to move in the direction I
14 think we'd all like to see. Thank you, Madam Chair.

15 THE CHAIR: Thank you. Thank you,
16 Zacharias.

17 Okay. We have a deferred response from QIA. QIA,
18 can you come to the table, please. Go ahead.

19 QIA Responds to Deferred Questions

20 MR. WILLIAMSON BATHORY: Thank you, Madam Chair.
21 Stephen Williamson Bathory, QIA, and I'll be joined by
22 Enookie Inuarak, also QIA. This is in response to a
23 question that was posed earlier by a board member,
24 Glenn McLean. The question, we understood, was to
25 provide a description of what the revenue streams are
26 that QIA has negotiated for this project. So I'll
27 provide an overview of the main revenue streams that

1 have been negotiated both in the Inuit Impact Benefit
2 Agreement and the commercial production lease, the two
3 primary instruments.

4 Under the IIBA, Inuit Impact and Benefit
5 Agreement, Article 5 spells out an article titled
6 "Financial Participation", and that article describes
7 what has been agreed to between QIA and Baffinland. So
8 the Inuit Impact and Benefit Agreement, it's been made
9 public. It's been filed before the Board. You're able
10 to read Article 5 in its proper context outside of this
11 hearing, but Article 5 is -- is structured such that
12 payments flow to QIA through three different methods.
13 There is what's called a set of advanced payments that
14 were structured such that QIA will receive benefits
15 early on in the project. There are also a set of
16 payments called extension payments. Those would be
17 paid to QIA in the event the project construction is
18 prolonged and -- and initial sales of iron ore
19 aren't -- if the project doesn't start selling iron ore
20 as it is scheduled to sell, there are additional
21 payments called extension payments, and then there is a
22 royalty payment that's also structured into the
23 agreement. The royalty payment is based on an
24 agreement on the principle of a net sales revenue, and
25 the net sales revenue is a function of -- of market
26 conditions such as iron ore price, as well as the
27 volume of iron ore that's being sold on the market.

1 All of those payments, whether they are advanced
2 payments, extension payments, or the -- the true
3 royalty payment are paid to QIA on a quarterly basis,
4 and the QIA board has decided that the value of those
5 payments would be reported back to beneficiaries
6 annually at QIA's annual general meeting, so one -- one
7 thing you'll notice, if you are reviewing Article 5 of
8 the Inuit Impact and Benefit Agreement, is there are
9 several sections that are blacked out. That is because
10 QIA would prefer to report those on an annual basis.
11 We are not here before NIRB in a position to -- to
12 present you with projections of those revenues. Those
13 will be reported, again, by QIA's board of directors
14 annually.

15 The second principle agreement with -- with a
16 revenue relationship to the project is the commercial
17 production lease, and that lease has structured three
18 different forms of a financial relationship to the
19 project. The primary form is -- is in providing access
20 to Inuit-owned lands. There is an annual fee for rent.
21 That rent was negotiated and agreed upon between
22 parties. It's -- it's meant to act as a stable -- a
23 base rent for the life of the lease, which is a 30-year
24 lease with renewal provisions. On top of that, there
25 are allowances for quarry concession materials, sand
26 and gravel, as well as tipping fees for the storage of
27 waste on Inuit-owned lands. Those factor into an

1 equation that's adjusted annually. So there is
2 provisions where the base payment can rise if the
3 activities for quarrying and -- and waste disposal on
4 Inuit-owned lands go above the nominal rate. So
5 that's -- that's how our agreements are structured.
6 Again, the earnings from those agreements will be
7 reported by QIA's board annually at its annual general
8 meeting. Thank you.

9 THE CHAIR: Thank you for your response.

10 Lastly we have Mr. Paul Irngaut from NTI. He is
11 leaving tomorrow morning, so he has asked to give
12 closing remarks tonight from the Nunavut Tunngavik
13 Incorporated.

14 Closing Remarks by Nunavut Tunngavik Incorporated

15 MR. IRNGAUT: Paul Irngaut from Nunavut
16 Tunngavik Incorporated. First of all, I truly
17 apologize -- like, I seem to be abandoning you. James
18 Eetoolook was supposed to be here, but unfortunately he
19 could not come to the community on Saturday. There was
20 no room for him on the flight, even though he already
21 had a reservation, and I will need to attend a meeting
22 in Montreal. Therefore, I have to depart tomorrow
23 morning. I apologize for that, but I know that your
24 work being undertaken is more or less the
25 responsibility of Qikiqtani Inuit Association, and I
26 know they will listen to your comments carefully and
27 our comments when we are talking about subsurface on

1 Inuit-owned lands that are owned by Nunavut Tunngavik
2 Incorporated, such as deposit 1, but the mine site has
3 been -- was established even before the IIBA was
4 established, so therefore, we could not negotiate on
5 how the royalty payments would be structured. It was
6 established following what was established by the
7 federal government, and after 13 percent tax has been
8 deducted on an annual basis, royalties would be paid on
9 an annual basis only once the project has commenced,
10 and NTI cannot say at this time as to how the payments
11 would be structured -- the royalty payments would be
12 structured during the early revenue phase. I cannot
13 comment on that at this time. I apologize because it's
14 unsure exactly as to how that would be structured. I
15 also wanted to apologize that we cannot be here during
16 your closing of the hearings. It's unfortunate, but I
17 know you will truly be well respected by the Qikiqtani
18 Inuit Association because they are more -- they are
19 more into that in the Baffin region. Thank you.

20 THE CHAIR: Go ahead. Enookie Inuarak?

21 ENOOKIE INUARAK: Thank you, Madam Chair. I
22 want to ask a question, like, because the fact that the
23 NTI representative will be leaving tomorrow, and I want
24 to make a few comments. And first of all, today I
25 recognized the people who negotiated the Inuit-owned
26 land from Milne Inlet all the way to Mary River and
27 also subsurface and other minerals were negotiated by

1 the people from this region, and if the project were to
2 proceed -- so all those hard work that was undertaken
3 by those people will come to reality, and also I want
4 to mention that to NTI and QIA and nothing have been
5 done -- well, nobody has decided -- made any decision
6 about -- as to how to do with the royalty payments by
7 QIA, and we will be consulting to other communities,
8 but I want to ask NTI, under their Nunavut Land Claims
9 Agreement, like, Nunavut Land Claims Agreement was
10 established by the federal government for the
11 beneficiaries. And it's one of the highest acts in
12 Canada that was passed. So we're talking about the
13 Mary River project during the past week, sometimes the
14 issues got tough and sometimes -- so that was the case,
15 and I want to ask the NTI representative, under the
16 Land Claims Agreement, is there a clause which states
17 that if the wildlife are being impacted and if the
18 Inuit are put in hardship, is there a clause where it
19 states where the project can be terminated or stopped?
20 That's my question. Thank you.

21 THE CHAIR: Nunavut Tunngavik?

22 MR. IRGNAUT: Thank you. Paul Irgnaut from
23 Nunavut Tunngavik Incorporated. In the Nunavut Land
24 Claims Agreement, under Article 5, it states that while
25 the management board has been established as an
26 organization and they would look after wildlife issues,
27 terrestrial and marine mammals, so Nunavut Wildlife

1 Management Board would be the organization, and they --
2 they have been an organization for quite a while now.
3 They have been undertaking these wildlife issues.
4 Like, when the wildlife are going to be impacted, once
5 the Nunavut -- like, either the federal government or
6 other organization, once they understand that wildlife
7 would be impacted, they go through Nunavut Wildlife
8 Management Board. I don't really understand how the
9 process worked, whether the mining project can be
10 halted, but when the wildlife are going to be impacted,
11 the Nunavut Wildlife Management Board is usually the
12 organization that can decide within the land -- Nunavut
13 Land Claims Agreement to make decisions. That's all I
14 can say, and it's apparent that the wildlife should be
15 closely managed -- monitored to ensure that their
16 populations are not depleted, and it's called
17 conservation, which is included in the Nunavut Land
18 Claims Agreement, like, if either -- any of the species
19 are being impacted, Nunavut Tunngavik Incorporated
20 would want a clear understanding and reasoning why,
21 especially in the IIBA. I hope I answered your
22 question.

23 ENOOKIE INUARAK: Thank you, Nunavut Tunngavik
24 Incorporated.

25 THE CHAIR: Thank you to everyone for
26 making these community roundtables very interesting.
27 Having completed our agenda for day 4, we will now

1 adjourn until tomorrow morning at 9:00. Then we will
2 continue again with our community roundtable with a
3 final opportunity for you to ask questions to
4 Baffinland or any of the intervenors. Thank you for
5 participating. We will be back at 9:00, and remember
6 we take your comments or questions, your concerns very
7 seriously, and we will take note. We will start again
8 at 9:00.

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10 PROCEEDINGS ADJOURNED UNTIL 9:00 AM JANUARY 31, 2014

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1 CERTIFICATE OF TRANSCRIPT:

2

3 We, Katie McLeod and Toni Rizzoli, 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 Calgary, Province of Alberta,
9 this 10th day of February 2014.

10

11

12

13

Katie McLeod

14

Katie McLeod, CSR(A)

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Official Court Reporter

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Toni Rizzoli



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Toni Rizzoli, CSR(A)

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Official Court Reporter

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