



NIRB File No.: 08MN053

September 16, 2019

Mary River Distribution List

*Sent via email*

**Re: Draft Agenda for the upcoming Public Hearing for the NIRB's Assessment of Baffinland Iron Mines Corp.'s "Phase 2 Development" Proposal**

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Dear Parties:

On August 21, 2019 the Nunavut Impact Review Board (NIRB or Board) issued its Notice of Public Hearing for the NIRB's assessment of Baffinland Iron Mines Corporation's (Baffinland, or Proponent) "Phase 2 Development" Proposal (NIRB File 08MN053; the Project)<sup>1</sup>. The Public Hearing will be held in **Iqaluit (November 2-6, 2019)** and **Pond Inlet (November 8-9, 2019)** as part of the Board's reconsideration<sup>2</sup> of the terms and conditions of Project Certificate No. 005.

The NIRB is providing parties with opportunity to comment on the attached *Draft Hearing Agenda* ([Appendix A](#)) which sets out the proposed ordering of topics, appearance of Intervenor and time allotted to agenda items. Comments should be submitted directly to the NIRB via email at [info@nirb.ca](mailto:info@nirb.ca) by **October 2, 2019**.

#### PUBLIC HEARING FORMAT

Times given in the attached *Draft Hearing Agenda* are approximate and the order of presenters and presentation times may be subject to change at the moderator's discretion during the proceedings. Consequently, participants are advised to ensure travel and other logistical arrangements are sufficiently flexible to accommodate modifications to the proposed timing and order of presenters throughout the proceedings.

#### **Technical Sessions**

The objective of the Technical Sessions is to facilitate presentations and questioning by technical experts regarding the conclusions presented within the Proponent's Final Environmental Impact Statement Addendum (FEIS Addendum) and documents provided following the Technical

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<sup>1</sup> Public Registry ID: 326464

<sup>2</sup> In accordance with Section 12.8.2 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and with s. 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (NuPPAA).

Meetings (Additional Documents), with a focus on the unresolved issues and concerns raised within parties' final written submissions to the NIRB.

### **Community Roundtable Sessions**

Given the importance placed on ensuring public input for the Board's assessment process, the NIRB has invited five (5) representatives from each of the following potentially affected communities in the North Baffin region to participate in the Community Roundtable Session portion of the Public Hearing held in Iqaluit: Pond Inlet, Resolute, Grise Fiord, Clyde River, Arctic Bay, Igloolik, Hall Beach and Iqaluit. The Pond Inlet portion of the Hearing will allow for additional direct community engagement with residents of Pond Inlet, the community nearest to the proposed development area.

The Community Roundtable Session is an opportunity for representatives of the potentially affected communities to ask questions of the Proponent about the proposed Project, and also to engage the Intervenor directly regarding their findings from considering the Proponent's assessment. Intervenor should be prepared to speak to their organization's mandate, areas of technical expertise, and role in monitoring and enforcement for approved project components. Therefore, the Board requires that all parties ensure sufficient expertise is available for both the Technical Sessions AND the Community Roundtable Sessions.

### **Presentations**

The Proponent will present an overview of its project proposal, followed by multiple presentations of the conclusions regarding potential impacts and proposed mitigation and management identified in its FEIS Addendum and Additional Documents, as well as its responses to parties' final written submissions. The overview presentation is expected to describe each project component/activity associated with the proposal, differentiating between the approved project and the current proposal and describing how operational experience to date has informed the proposal. The NIRB strongly recommends that the Proponent and Intervenor make efforts to utilize accessible language, appropriate translations and visual elements (e.g., photos, video, maps, figures, simulations) into their presentations to ensure the issues are understandable for all participants.

Presentations are to be separated by topics as set out in **Appendix A**, with approximate timings followed as closely as possible to permit adequate time for questioning. Intervenor and the Board Members will be permitted to ask questions at suitable points throughout this portion of the agenda. At the beginning of the community roundtable in Iqaluit and again in Pond Inlet, the Proponent will deliver a summary presentation providing an overview of each major project component/activity, highlighting the conclusions regarding potential impacts and proposed mitigation and management identified in documents related to this proposal.

During the technical sessions Intervenor will each be provided with up to 30 minutes to deliver a single presentation structured to address the following points:

1. Provide a brief overview of the organization's mandate and jurisdiction in association with the proposed project components/activities, highlighting applicable legislation, policies or guidelines as necessary.
2. Present an overview of the technical concerns or issues identified in a manner that parallels their final written submission to the NIRB.

- a. This should include a brief synopsis of significant issues resolved through the preceding technical review, and identify those issues remaining unresolved (with accompanying recommendations) as raised within the final written submission.
3. Highlight the organization's recommendations to the Board regarding whether proposed mitigation is adequate to address potential adverse effects.

Time will be allotted for the questioning of each Intervenor at the conclusion of each presentation. Should any Intervenor believe additional time is required to present its evidence during the Hearing, a request for additional time should be made when providing comments on the *Draft* Hearing Agenda; the granting of additional presentation time will be at the discretion of the Board. If grouping of presentations is desired by specific Intervenors to more effectively present parties' positions, the Board is open to adjusting speaking order to accommodate; requests to make such adjustments should also be submitted with comments on the *Draft* Hearing Agenda.

Following each presentation, the Proponent, other Intervenors, and the NIRB will be given an opportunity to question and cross-examine the presenters and the evidence provided. **Parties are advised to ensure that personnel with the necessary expertise to answer questions regarding their organization's mandate, written submissions and role in monitoring/enforcement are readily available throughout the Public Hearing.**

#### PUBLIC HEARING LOGISTICS

##### **Public Hearing Agenda & Attendance**

The NIRB requests that parties planning to attend the upcoming Public Hearing provide our office final confirmation indicating the number of representatives to be in attendance, including their names, positions and respective areas of expertise or authority, on or before **September 30, 2019**.

Following the receipt of comments and suggested revisions to the *Draft* Agenda the NIRB expects to provide a finalized agenda on or before **October 11, 2019**.

##### **Public Hearing Structure**

The NIRB has made the following arrangements for the Public Hearing:

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|------------------------|--|
| <b>Interpretation:</b> | Simultaneous English/Inuktitut interpretation will be provided throughout all proceedings (parties requiring French interpretation for the Hearing are to notify the NIRB by <b>September 30, 2019</b> ).  |
| <b>Seating:</b>        | Available seating at the main table during the technical session proceedings will be necessarily limited to a maximum of 2-3 seats per agency. During the community roundtable proceedings, Intervenors will be asked to be seated in the general audience, with community representatives assuming their seats at the main table. |
| <b>Facilitator:</b>    | The meetings will be facilitated by the NIRB Chairperson.  |
| <b>Materials:</b>      | The NIRB will make available a digital copy of all materials contained within the Board's public registry for the assessment of the Project.   |

**Meeting times:** Meetings will start at 9:00 am and run until 5:00 pm daily, with an hour break for lunch and two 15-minute health breaks. Light refreshments will be provided during health breaks; other meals will not be provided for participants. Evening sessions have been scheduled during the Iqaluit portion of the Hearing as necessary to ensure all agenda items are covered and to ensure the public have an opportunity to attend outside of office hours; extended hours may be scheduled if deemed necessary.

The NIRB will structure the proceedings to allow each party an opportunity to speak to outstanding issues/concerns/comments pertaining to each agenda item in an ordered fashion, with time limits enforced as necessary to ensure the Hearing proceeds in a timely fashion. The Board has endeavored to allot more time for discussion of those items for which significant concerns were raised or where regulatory jurisdictions overlap.

### **Presentations**

Parties are advised that all presentation materials are to be provided in English, Inuktitut, and French. Parties are further reminded that presentations will serve as formal exhibits to the Hearing proceedings, and that filing of additional materials at the Public Hearing will be undertaken on an as-needed basis.

The NIRB asks that all parties provide printed copies of their presentation and executive summaries of Final Written Submissions for the information of attendees at the Public Hearing, including 100 English copies, 80 Inuktitut copies, and 30 French copies.

The NIRB requests that all parties submit digital copies of their presentations for the upcoming Hearing via email to [info@nirb.ca](mailto:info@nirb.ca) no later than **October 23, 2019**. We appreciate the efforts of parties to provide presentation materials as requested, as the NIRB will utilize these materials to prepare comprehensive information packages for the community roundtable participants.

### SUMMARY

In closing, as we move closer to the Public Hearing for the NIRB's assessment of the "Phase 2 Development" proposal, the Board thanks all parties for their support and encourages continued active engagement in the assessment process. Additional details regarding the Hearing logistics and final scheduling will be provided as they become available. Upcoming deadlines for submissions to the NIRB are:

<b>September 23, 2019</b>	▪ Deadline for submission of intervenor final written submissions
<b>October 2, 2019</b>	▪ Comments regarding the <i>Draft</i> Agenda, including the timing and format of presentations. ▪ Request for French interpretation if required for the Hearing; ▪ Request from media for access to recordings (film, photograph, or audio) or special audio-visual equipment. ▪ Parties confirmation of attendance: number of representatives, names, positions and areas of expertise or authority.

<b>October 11, 2019</b>	▪ NIRB release <i>Final</i> Agenda.
<b>October 23, 2019</b>	▪ Parties provide electronic copy of presentations and plain language summaries (English, Inuktitut, and French) to the NIRB.

Should you have questions regarding the upcoming Public Hearing for the NIRB's assessment of the Phase 2 Development proposal, please contact Solomon Amuno, Technical Advisor II at [samuno@nirb.ca](mailto:samuno@nirb.ca) or (867) 983-4603.

Sincerely,



Tara Arko  
Director, Technical Services  
Nunavut Impact Review Board

cc: Megan Lord-Hoyle, Baffinland Iron Mines Corporation  
Lou Kamermans, Baffinland Iron Mines Corporation

Attachments (1): Appendix A: *Draft* Public Hearing Agenda (NIRB File No. 08MN053)

**APPENDIX A:  
DRAFT PUBLIC HEARING AGENDA**

- NIRB File No.:** 08MN053 – Phase 2 Development Project Proposal  
**Proponent:** Baffinland Iron Mines Corporation  
**Location:** Cadet Hall, Iqaluit, NU and Community Hall, Pond Inlet, NU  
**Dates:** November 2-6, 2019 (Iqaluit) and November 8-9 (Pond Inlet)
- Times:** **All times given are approximate. The order of presenters and time given for presentations are subject to change at the NIRB's discretion:**
- |                                |                   |
|--------------------------------|-------------------|
| Technical Sessions:            | 9:00 am – 5:00 pm |
| Community Roundtable Sessions: | 9:00 am – 5:00 pm |
| Evening Sessions:              | 6:30 pm – 9:00 pm |
- Note (1):** Witnesses appearing on behalf of the Proponent and registered Intervenors will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Panels of witnesses may be used for the presentation of evidence.
- Note (2):** All testimony will be recorded and transcribed by the Board and may also be recorded by the media.

**Saturday November 2, 2019 – Iqaluit  
Day 1 of Technical Sessions (*including evening session*)**

General Opening

1. Opening prayer
2. Welcoming Remarks by the Mayor of Iqaluit (or Delegate)
3. Opening Remarks by the Chairperson (*30 minutes*)
  - i. Identification of motions or objections
  - ii. Introductions, overview of procedural history, structure of proceedings, etc.
  - iii. Review of Agenda
  - iv. Housekeeping Items

Technical Session

4. Presentations by the Proponent. Time for questioning by Board Members and Intervenors will be provided immediately following presentations.
  - i. Introduction and Project Overview (*60 minutes*)
  - ii. Public Consultation and Inuit Qaujimaningit (*45 minutes*)
  - iii. Alternatives Assessment and Cumulative Effects (*45 minutes*)

- iv. Atmospheric Environment (20 minutes)
- v. Terrestrial Environment (45 minutes)
- vi. Freshwater Environment (20 minutes)
- vii. Marine Environment (60 minutes)

Close of Day 1

**Sunday, November 3, 2019 – Iqaluit**  
**Day 2 of Technical Sessions**

Technical session (Continued from Day 1)

1. Opening Remarks by the Chairperson
2. Presentations by the Proponent. Time for questioning by Board Members and Intervenors will be provided immediately following presentations.
  - i. Socio-Economics and Food Security Updates (45 minutes)
  - ii. Human Health and Exposure Potential Assessment (20 minutes)
  - iii. Management Plans and Monitoring Programs (20 minutes)
3. Presentations from registered Intervenors – Note: witnesses appearing on behalf of registered Intervenors will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Unless otherwise indicated, each Intervenor has been allotted up to 30 minutes for their presentations. Following each Intervenors' presentation there will be time for questions by Board Members, other Intervenors and the Proponent.
  - i. Qikiqtani Inuit Association (30 minutes)
  - ii. Mittimatalik Hunters and Trappers Organization (30 minutes)
  - iii. Hamlet of Pond Inlet (30 minutes)
  - iv. Hamlet of Igloolik (30 minutes)
  - v. Hall Beach Hunters and Trappers Organization (30 minutes)
  - vi. Government of Nunavut (30 minutes)

Close of Day 2

**Monday, November 4, 2019 – Iqaluit**  
**Day 3 of Technical Sessions (including evening session)**

Technical session (Continued from Day 2)

1. Opening Remarks by the Chairperson
2. Presentations from registered Intervenors (*continued*)
  - i. Crown-Indigenous Relations and Northern Affairs Canada (30 minutes)
  - ii. Environment and Climate Change Canada (30 minutes)

- iii. Fisheries and Oceans Canada (30 minutes)
- iv. Health Canada (30 minutes)
- v. Natural Resources Canada (30 minutes)
- vi. Parks Canada (30 minutes)
- vii. Transport Canada (30 minutes)
- viii. Oceans North (30 minutes)
- ix. World Wildlife Fund (30 minutes)
- x. Nunavut Independent Television Network (30 minutes)

Close of Day 3

**Tuesday, November 5, 2019 – Iqaluit**  
**Day 1 of Community Roundtable (including evening session)**

General Opening

- 1. Opening prayer
- 2. Opening Remarks by the Chairperson

Community Roundtable Session

- 3. Presentation by the Proponent – **Introduction and Overview of Project** (90 minutes)
- 4. Questioning of the Proponent and Parties by community representatives and members of the public, organized by project components/activities
- 5. Presentations by members of the public who have advised the Chairperson that they wish to present.

Close of Day 4

**Wednesday, November 6, 2019 – Iqaluit**  
**Day 2 of Community Roundtable**

General Opening (Continued from Day 4)

- 1. Opening prayer
- 2. Opening Remarks by the Chairperson

Community Roundtable Session

- 3. Questioning of the Proponent and Parties by community representatives and members of the public, organized by project components/activities
- 4. Presentations by members of the public who have advised the Chairperson that they wish to present.
- 5. Closing/summary Remarks by Community Members

Close of Day 5



**Friday, November 8, 2019 – Pond Inlet  
Day 1 Community Roundtable**

General Opening (Continued from Day 5)

1. Opening prayer  
Welcoming Remarks by the Mayor of Pond Inlet
2. Opening Remarks by the Chairperson (*20 minutes*)
  - i. Identification of motions or objections
  - ii. Introductions, overview of procedural history, structure of proceedings, etc.
  - iii. Review of Agenda
  - iv. Housekeeping Items

Community Roundtable Session

3. Presentation by the Proponent – **Introduction and Overview of Project** (*90 minutes*)
4. Questioning of the Proponent and Parties by community representatives and members of the public, organized by project components/activities
5. Presentations by members of the public who have advised the Chairperson that they wish to present.
  - Nasivvik High School

Close of Day 6

**Saturday, November 9, 2019 – Pond Inlet  
Day 2 Community Roundtable**

General Opening (Continued from Day 6)

1. Opening Remarks by the Chairperson

Community Roundtable Session (*continued*)

2. Questioning of the Proponent and Parties by community representatives and members of the public, organized by project components/activities
3. Presentations by members of the public who have advised the Chairperson that they wish to present.

Closing Remarks – Proponent and Intervenors

Close of Day 7