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IQA-N 5510-5-4 ; CIDMs 324220

April 9, 2009

Leslie Payette
Manager of Administration
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0

Via email to: lpayette@nirb.nunavut.ca

Re: NPC-NIRB Proposed Process for Baffinland Mary River Project

Dear Ms. Payette,

Indian and Northern Affairs Canada (INAC) has reviewed the March 16th, 2009 letter (the "Letter") issued by the Nunavut Impact Review Board ("NIRB") and the Nunavut Planning Commission ("NPC") regarding a Proposed Process for the Part 5 Review of Baffinland Iron Mines Corporation's Mary River Project and the Implementation Requirements of the North Baffin Regional Land Use Plan ("NBRLUP"). INAC has prepared the following comments for NIRB, as requested in the Letter.

INAC generally finds the proposed process to be an acceptable means of allowing simultaneous completion of the Project's environmental review as well as the proposed amendment to the NBRLUP. In order to strengthen our understanding of the proposed arrangement (process) between the Nunavut Planning Commission (NPC) and NIRB, as recommended by the Minister of INAC to NIRB on February 11, 2009, we would like to seek some additional information.

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INAC anticipates that an amendment to the NBRLUP is required to the Mary River Project, however there appears to be some uncertainty on how this process will unfold. INAC recommends clarification in the following broad areas in order to avoid confusion:

a) The diagram included in the Letter states: "Once a final transportation corridor is determined the NPC *may* request that the NBRLUP be amended to include the location". While it is clear that the information needs of the NBRLUP's Appendices J and K will be addressed in the Draft Environmental Impact Statement, the process for initiating the amendment under paragraph 3.5.11 NBRLUP is not. INAC seeks clarification as to how the Proponent will be expected to formally submit an application to the NPC to complete an amendment to the land use plan as per paragraph 3.5.11 of the NBRLUP.

b) NIRB's March 16, 2009 letter indicates that the continuation of NIRB's review process (following the Pre-Hearing Conference (PHC)) is described in its NIRB Guide 5, however no description is available for the NPC-led process that will follow the PHC.

The following questions also arise:

- i) What tasks will the Proponent be expected to complete and what steps will NPC complete throughout the process and in making a recommendation to the Responsible Ministers?
- ii) How will the public be engaged or consulted?
- iii) Subsequent to the PHC, what do the NPC and NIRB expect will happen if the requirements of only one of the Boards are met?
- iv) What is the expected timing of the NIRB's and the NPC's respective decisions in relation to one another?

INAC will continue to look forward to working with the NIRB and the NPC in the ongoing environmental assessment and land use planning provisions of Baffinland's Mary River Project. Should you have any questions, please do not hesitate to contact Margaux Brisco at 867-975-4567 or by email at Margaux.Brisco@inac-ainc.gc.ca.

Sincerely,

[Original signed by]

Robyn Abernethy-Gillis
Manager of Environment Division