



Mr. Oliver Curran
Baffinland Iron Mines Corporation
2275 Upper Middle Road East, Suite 300
Oakville, ON, Canada L6H 0C3

Dear Mr. Curran

**Re: REQUEST FOR SUBMISSIONS ON POSSIBLE DEVELOPMENT
OF TRANSPORTATION CORRIDOR AND THE GENERAL
APPLICATION OF THE NORTH BAFFIN REGIONAL LAND USE PLAN
TO THE MARY RIVER PROJECT EARLY REVENUE PHASE
DFO File NU-07 NIRB File # 08MN053 Baffinland Mines Early Revenue
Phase**

The above-noted proposal has been forwarded to the Nunavut Planning Commission (NPC) for determination of its conformity with the North Baffin Regional Land Use Plan (NBRLUP) under the Nunavut Land Claims Agreement (NLCA) and Nunavut Land Claims Agreement Act, S.C. 1993, c. 29. NPC is currently reviewing the proposal and wants to provide Baffinland Iron Mines (Baffinland) the opportunity to review the matters which NPC may consider in making its determination. NPC invites you to make submissions on what is set out below and to provide any further information that you feel would assist the NPC in making its decision. As discussed below, NPC may determine that the project proposal for the Early Revenue Phase (ERP) of the Mary River Project constitutes the **development** of a transportation corridor, whether new or existing, for which NPC has not received an application to amend the NBRLUP. Further, NPC is considering the effect and meaning of defined terms within the NLCA and the NBRLUP both specifically, within the context of a transportation corridor, and generally within the context of the NBRLUP.

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5. Whether increased intensity of use of Milne Inlet Tote Road and shipping from Milne Inlet conforms with NBRUP

Baffinland's letter, dated June 12, 2013, said that these were a "modification of the works and activities" previously approved as conforming with the NBRLUP. A review of the NPC file indicates that the commercial shipment of ore for the life of the mine and associated dock construction, for example, were never referred to NPC for previous consideration. NPC must, under section 6.2 of the NBRLUP, first consider whether the relevant conformity requirements in Chapter 3 have been satisfied before considering whether the type of land use has been engaged in or previously contemplated. As noted above, these are new activities relating to the Mary River Project, not previously considered by the NPC in its prior conformity determinations. NPC welcomes submissions on whether a change in the intensity of a physical activity in a project proposal triggers a review by NPC with the conformity requirements in chapter 3 of the NBRLUP.

(a) people are a functional part of a dynamic biophysical environment, and land use cannot be planned and managed without reference to the human community; accordingly, social, cultural and economic endeavours of the human community must be central to land use planning and implementation;

Milne Port, Eclipse Sound and Pond Inlet (Change)

Project-related shipping through Pond Inlet to Milne Inlet is not expected to meaningfully affect use of the open water by hunters in boats, although sighting vessels associated with the Project will occur. Project ore carriers and other vessels will generally stay within the middle of the waters of Pond Inlet and Eclipse Sound, staying away from the coastline. It is expected that hunters in

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boats will remain closer to the coast in most instances. Although the ships will not have an effect on people's ability to travel through Milne Inlet and Eclipse Sound, public safety interactions will exist. Public safety will be mitigated by community public safety awareness, informing the community of vessel movements, potentially tracking the route and timing of ship's passage, and by periodic public meetings and information sessions.

Milne Inlet Tote Road (Change)

The Milne Inlet Tote Road between the Mine Site and Milne Port will be used throughout the Construction, Operations and Closure Phases. The road will be used as a transportation link providing supplies to the Mine Site and transporting ore to Milne Port. During the Construction Phase, approximately 120 trucks will travel along the Milne Inlet Tote Road each day, year-round. Once the mine is in operation approximately 110 trucks will travel along the road per day.

The NPC does not see a reference to public safety interactions that might result from increased ore truck size and intensity of vehicle traffic on the Milne Inlet Tote Road. Any clarification that Baffinland wishes to provide on this point would be appreciated. Does Baffinland submit that the physical activities proposed by the ERP should not trigger a conformity determination process by NPC?

Request for submissions

Accordingly, before the NPC reaches a decision on whether the project proposal for the ERP conforms with the NBRLUP, the NPC is requesting your submissions, and any further information you can provide, on the following:

1. If a new project proposal or an application to extend a project is made for an existing project, whether a previous positive conformity determination precludes the need for additional conformity determinations or an amendment of an approved land use plan where a party wishes to develop a transportation or communications corridor.
2. NPC welcomes any submissions Baffinland may wish to make on the definition of "develop" as it appears in section 3.5.11 of the NBRLUP and whether the ERP project proposal should be considered a "development".
3. Is the definition of "project proposal" in the NLCA as including a "physical work" or "physical activity" relevant to determining whether a transportation corridor, whether new or existing, is being developed; in the alternative does an existing transportation corridor wholly exempt all project proposals relating to that corridor from land use planning.
4. Whether the Milne Inlet Tote Road easement or existing transportation corridors mean the changes proposed by the ERP do not constitute the "development" of a transportation corridor.
5. Whether increased intensity of use of Milne Inlet Tote Road and shipping from Milne Inlet conforms with NBRLUP.

Please note that should Baffinland wish to reconsider its decision not to submit an application to amend the NBRLUP under section 3.5.11 of the NBRLUP, NPC would activate the joint review panel process under section 3.5.12 of the NBRLUP without delay. NPC does see that Appendix 1B – 4, “Concordance with EIS Guidelines (Appendices J and K of the North Baffin Regional Land Use Plan)” in the Addendum to the Final Environmental Impact Statement expressly refers to the Appendices J and K of the NBRLUP. These are the guidelines applied by NPC and either NIRB or a review panel appointed under section 3.5.12 of the NBRLUP uses to publicly review proposed transportation corridors. NPC expressly does not make any finding of whether Appendices J and K have been satisfied by the Addendum to the Final Environmental Impact Statement in the absence of an application for an amendment by the proponent under section 3.5.11 of the NBRLUP.

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Cc: Mr. Ryan Barry, NIRB
Ms. Georgina Williston, DFO
Mr. Bernie MacIsaac, QIA
Ms. Phyllis Beaulieu, NWB
Ms. Tracey McCaie, AANDC