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Nunavunmi Parnaiyiit
Nunavut Planning Commission
Commission d'Aménagement du Nunavut

February 7, 2013

Mr. Ryan Barry
Executive Director
Nunavut Impact Review Board
PO Box 1360
Cambridge Bay
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BY EMAIL rbarry@nirb.ca

Dear Mr. Barry,

Re BIMC request to Amend Project Certificate No.005 – Mary River Project

Thank you for the Nunavut Impact Review Boards (the NIRB) request for comments on Baffinland Iron Mine Corporations request to amend project certificate No.005-Mary River Project, which was received by the Nunavut Planning Commission (the NPC) on January 14th, 2013. The newly-proposed change by the proponent was specifically not considered in the Final Environmental Impact Statement. The proponent withdrew any reference to a northern route for ore and the Project Certificate No.005 was based on a southern route with a new rail link and new port.

As you are aware, the NPC issued a positive conformity determination for the Baffinland Iron Ore Mining Project (the Project) on April 30th, 2008. This determination included a number of requirements that the proponent has undertaken to comply with as part of their development activities. I have attached a copy of the determination with this letter for your records.

The NPC would remind the NIRB that the new development option as outlined in your January 14th correspondence and referred to as a “project alternative included within the initial technical review of the Draft Environmental Impact Statement”, has not been

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reviewed by the NPC for conformity with the applicable land use plan. The different routing, as proposed in the January 14th, 2013 request for amendment, was not considered in the NPC's positive conformity determination issued on April 30th, 2008.

To be clear, the conformity determination provided by the NPC was based on the project that the proponent sought approval for, and not the project the proponent now proposes.

Under section 11.5.10 of the Nunavut Land Claims Agreement, the NPC shall review and determine whether project proposals conform to an applicable land use plan before forwarding the project proposal with its determination and any recommendations to the appropriate federal and territorial agencies. Pursuant to section 12.3.4 of the Nunavut Land Claims Agreement, NIRB shall not screen project proposals that are not in conformity with land use plans, unless a Ministerial exemption has been received under 11.5.11 or a variance has been approved under section 11.5.10. Neither of these has yet occurred.

Once again thank you for circulating the request for comments on Baffinland Iron Mine Corporations request related to project certificate No.005-Mary River Project to the NPC.

Please contact me should you have any questions.

Yours Truly,

Q

Brian Aglukark,
Director, Implementation
Nunavut Planning Commission

CC. Erik Madsen, BIMC

Encl.