



December 27, 2013

## NUNAVUT PLANNING COMMISSION

### PUBLIC REVIEW—DIRECTIONS ON PROCEDURE

#### SECOND DIRECTION ON PROCEDURE

Pursuant to the Nunavut Planning Commission's (NPC) *Rules of Procedure for Public Hearings and Public Reviews (RPHPR)*, the NPC makes the following Directions on Procedure for its Public Review of the transportation corridor proposed as part of the Baffinland Iron Mine Corporations (BIMC) Early Revenue Phase (ERP) for the Mary River Project. The *RPHPR* provides for Directions on Procedure as follows:

- 4.1 Consistent with the Agreement and the broad application of the principles of natural justice and procedural fairness, the Commission shall give these rules such fair, large and liberal construction as best ensures the **just, expeditious and fair hearing of public reviews**.
- 4.2 Where any procedural matter relating to proceedings **is not provided for** in these rules, the Commission may at any time give directions governing the procedure to **supplement these rules** that it considers necessary for the fair determination of an issue.
- 4.3 **On its own initiative** ...the Commission may, with or without a hearing, **issue any direction on procedure to dispense with or vary any part of these rules that it considers necessary for the fair determination of an issue**.
- 4.4 Where there is a conflict between any rule and any direction on procedure issued by the Commission, **the direction on procedure prevails over the rule**.

Due to anticipated time constraints at the oral hearings to be held in the communities, the NPC considers it necessary to make the following Directions on Procedure for the fair determination of the following issues:

- Whether the ERP meets the information requirements of Appendices J and K of the North Baffin Regional Land Use Plan (NBRLUP), and
- Whether to recommend an amendment to the land use plan based on the factors referred to in Section 7 of the *RPHPR* including for the purposes of Rule 7.3(d), chapters 1 and 3 of the NBRLUP.

### **Directions on Procedure for the Public Review of the ERP:**

1. Recognizing the prior and continued participation of various government departments and agencies in reviewing the Mary River Project and ERP, for the purpose of the definition of a “party” in Rule 2.2(u)(vi) of the RPHPR, the NPC directs that any Canadian or Nunavut government department or agency, Designated Inuit Organization (DIO), or any other body that has the authority to issue a permit, lease, license or grant approval to a proponent to conduct some physical work or physical activity in relation to a project proposal, or that has previously participated in any review proceedings related to the project proposal or the Amendment Application, has full standing as a party to the public review.
2. For clarification of direction #14 in the First Direction on Procedure issued December 15, 2013, participants wishing to attend oral hearings and give evidence via teleconference must, in addition to the specific requirements set out in direction #14 of the First Direction on Procedure, serve any written comments, representations and evidence on all participants.