

Conformity of a project proposal with the applicable land use plan is a prerequisite to the NIRB process (NLCA s. 12.3.4). Exceptionally, NIRB may screen project proposals not in conformity with land use plans where the Minister has exempted the project proposal from conformity with the plan pursuant to NLCA 11.5.11 or where the NPC has approved a variance from the land use plan pursuant to s. 11.5.10. The latter exception is only valid where the land use plan makes provision for the NPC to approve minor variances. Furthermore, NIRB may not screen a project unless the water application is in conformity with the applicable land use plan (NLCA s. 13.4.5).

In a letter dated April 30, 2008, the NPC indicated that the project conforms to the North Baffin Regional Land Use Plan (NBLUP). However, Baffinland understood, in its cover letter of March 14, 2008, that NPC views the proposed railway line within the North Baffin Planning Region (NBPR) as a proposed transportation corridor and thereby an amendment to the NBLUP is required. It is difficult for QIA to reconcile the NPC's conformity decision with an outstanding requirement for an amendment to the NBLUP. Should the NIRB and the NWB proceed without a conformity decision, based on an amendment to the NBLUP, there is an unnecessary risk that the process could be challenged.

Regarding filing an amendment to the NBLUP section 3.5.11 of Appendix "C" of the NBLUP clearly states:

"All parties wishing to develop a transportation and/or communications corridor shall submit to the NPC a detailed application for an amendment. This application must include an assessment of alternative routes, plus the cumulative effects of the preferred route. It shall provide reasonable options for other identifiable transportation and utility facilities."

In reviewing the material presented in Baffinland Development Proposal, March 2008, it does not appear that a detailed application for an amendment exists. Furthermore, information pertaining to an assessment of alternative routes plus the cumulative effects of the preferred route are also absent. Presently, it is unclear as to when information required for amendment to the NBLUP would be available and exactly how the NPC intends to review such information.

Based on Baffinland's Development Proposal and the boundaries of the NBLUP it appears the proposed amendment would only capture a portion of a large and unique transportation system. Looking at the NBLUP, specifically section 3.5, Marine and Terrestrial Transportation, it is clear the NBLUP contains numerous transportation specific objectives. QIA questions whether in the absence of an approved land use plan for the Akunnig Planning Region, if the objectives presented in section 3.5 the NBLUP could apply to the entire Baffinland Project. It would seem that by only reviewing a portion of the entire transportation system associated with the Baffinland project a proper review and amendment to the NBLUP will not be achieved. Thus QIA suggests, under the public review for an amendment to the NBLUP the entire transportation system be included, as opposed to a review specifically focused on the portion of the project residing in the NBLUP.

- Any concerns regarding the suitability of a coordinated effort, as envisioned in Section 13.5.2 of the NLCA, with the NIRB and NWB in the review and processing of this application; and

Through the IPG review process QIA's overarching objectives are to thoroughly review all development proposals on Inuit Owned Lands and to ensure that communities within the Qikiqtani are well-informed and consulted on the project.

We understand that the purpose of NLCA s.13.5.2 is to avoid '*unnecessary duplication in the review and processing of the application*'. Streamlining the review and processing of the application for the convenience of the proponent should not be considered as the purpose of section 13.5.2. Considering the immensity of the project and enormous amount of information and consultation required to obtain public input, it would be difficult to conclude that separate processes could result in '*unnecessary duplication*'.

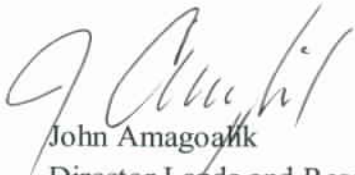
Furthermore, knowing that QIA will request final or near final designs for all infrastructure to be reviewed under the NWB process, it is not clear how project changes to address concerns during the NIRB process will be accommodated. The current process, as described under Table 1 of Baffinland's Development Proposal, presents a parallel process between NIRB and NWB which likely does not represent the best interests of review parties, particularly smaller organizations and communities. Adding to this, under a parallel NIRB and NWB process, how would the terms and conditions contained in the NIRB Project Certificate be incorporated into a NWB licence and other regulatory instruments?

QIA supports cooperation and coordination between NIRB and NWB in the review and processing of the application where this would result in improvements to the review process and reporting requirements by the proponent. However, QIA does not support a joint process. It is in QIA's best interest to maintain a distinct degree of separation between the NIRB and NWB processes. This would ensure a thorough review process where project changes in the NIRB process can be fairly accommodated in the NWB process and other instruments that will capture elements of NIRB's Project Certificate. Furthermore, a review process with clear points of separation between NIRB and NWB will also increase the chances that the members of the public and interest groups are provided more time to obtain information and to react to the project. We understand the possibility of public fatigue with the consultations and hearings. However, the benefits of holding separate consultations and hearings that focus on the particular issues within each of the NIRB and NWB's field of expertise outweigh this risk.

Finally, QIA believes more consultation on a coordinated IPG review process is required and requests the opportunity to further examine these topics in concert with all other parties involved in the review process. QIA views further dialogue on the IPG review process as an essential step in promoting participation for smaller organizations and communities throughout the review process.

QIA looks forward to guidance from the IPGs and future discussion on these topics. Should you have any questions or require further information please contact myself or Stephen Bathory, Environmental Technician, (867)975-8419 or envirotech@qia.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Amagoalik', written in a cursive style.

John Amagoalik
Director Lands and Resources
Qikiqtani Inuit Association