

Nunavut Planning Commission ᓇᐱᕐᕋᕐ ᑲᕐᓴᕐᓴᕐ NUNAVUTMI PARNAYIIT

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, Nunavut X0B 1J0

Terry Audla
Executive Director
Qikiqtani Inuit Association
Iqaluit, Nunavut X0A 0H0

Dear Mr. Howell, Ms. Beaulieu and Mr. Audla,

The NPC has completed its review of the above noted project proposal. It conforms to the North Baffin Regional Land Use Plan (NBRLUP), subject to the attached conformity requirements.

The NBRLUP has specific terms in regards to a development of a transportation corridor where a request for amendment to the NBRLUP must be requested;

s3.5.11 – All parties wishing to develop a transportation and/or a communications corridor shall submit to the NPC a detailed application for 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.

S3.5.12 – The NPC, and either NIRB or a panel acting under 12.4.7 of the NLCA, shall publicly review the proposed corridor to determine whether the proposal adequately meets the guidelines set out in Appendices J and K. Once it is determined that a proposal does meet the guidelines, the NPC may request the Ministers to amend the plan to include the new transportation corridor,

By this letter and additional enclosures, the NPC is forwarding the project proposal with this determination to NIRB for screening.

Note-This project proposal includes research on options relating to alternative transportation / communications routes. As a proposal to conduct research, it does not constitute a proposal to *develop* a transportation and / or communications corridor. This positive conformity determination for research activities does not constitute a positive conformity determination with respect to development of a corridor.

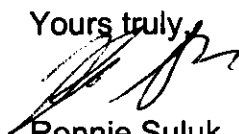
And, the proposed improvements of the existing tote road from Milne Inlet to the Mary River camp site does not fall with-in the terms of a proposal for a development of a transportation corridor.

The applicant has undertaken to comply with the attached requirements. The authorizing agencies to which this letter is addressed are responsible under the *Nunavut Land Claims Agreement* to implement any of the attached requirements that fall within their respective authorities.

This may be accomplished by incorporating the requirements directly, or otherwise ensuring that they must be met, in the terms and conditions of any authorizations issued. My office would be pleased to discuss with these agencies how best to implement these requirements and to review any draft authorizations that the agencies wish to provide for that purpose.

This conformity determination applies only to the above noted project proposal as submitted. Please notify the NPC immediately if any material change to the project proposal is made before authorizations are issued.

Yours truly,



Ronnie Suluk
Regional Planner

Attachment

cc. Leslie Payette, NIRB
Mr. Rod Cooper, Baffinland Iron Mines Corporation

Application # N2006C0036/2BE-MRY 0406/Q05L2C14/DF0

NUNAVUT PLANNING COMMISSION
APPLICATION TO DETERMINE CONFORMITY
WITH THE NORTH BAFFIN REGIONAL LAND USE PLAN

NUNAVUT PLANNING COMMISSION
BOX 419, Arviat, Nunavut
X0C-0E0

All applicants for a project proposal shall comply with the requirements listed below. The relevant sections of the plan are noted in each requirement.

GENERAL

2. **Environmental Protection:** s3.3.11.8: The applicant undertakes to prevent any new occurrences of pollution, garbage and contamination at the site of the development.

☒ Yes

☐ No

3. **Removal of Fuel Drums:** s3.3.11.8: The applicant undertakes to remove all drums safely from the site and dispose of the drums in a safe manner.

☒ Yes

☐ No

4. **New Site Restoration and Clean Up:** s3.3.11.1 and Appendix C, s1: The applicant undertakes to clean up the site and restore the site to its natural condition to the greatest extent possible.

☒ Yes

☐ No

5. **Old Site Restoration and Clean Up:** s3.3.11.2: The applicant undertakes to clean up the site and restore the site to its original condition to the greatest extent possible, including any work required due to the applicant's action prior to this application.

☒ Yes

☐ No

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6. Low-Level Air Flights: Appendix C, s3: Will the applicant avoid all low-level flights?

☒ Yes

☐ No

- i. If not, explain why such flights are or may be absolutely necessary.

- ii. If such flights are or may be absolutely necessary, will they avoid disturbance to people and wildlife?

- iii. If not, explain why it is not possible to avoid such disturbance.

7. Caribou Protection Measures s3.3.1.7 and Appendix D: Will the applicant comply with the Caribou Protection Measures outlined in section 2.4.6 and in Appendix D?

☒ Yes

☐ No

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7. **Polar Bear Denning Areas and Walrus Haul-outs:** s3.3.1.8: Will the applicant keep its activities away from any polar bear denning area or walrus haul-out?

Yes

No

HERITAGE RESOURCES

10. **Reporting of Archaeological Sites:** s3.3.9.3 and Appendix C, s2 and s8: Will the applicant immediately report the discovery of all suspected archaeological sites to the Department of Culture, Language, Elders and Youth (GN)?

Yes

No

MINING

11. **Mining Development:** s3.3.4.4 & s3.3.4.5: Is the proposal for mining development?

Yes

No

If yes, include with the application a mine closure and restoration plan and the proof of complete financial guarantees for the abandonment and restoration of the site.

12. **Negative Effects:** s3.3.4.6: Has the applicant planned to minimize the negative effects of its activity on the environment?

Yes

No

Include with the application the mitigative measures developed.

13. **Hunting Restrictions:** s3.3.4.9: The applicant is informed of any special hunting restrictions that may apply to the area and will strictly enforce them at its mine sites and along transportation routes.

Yes

No

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14. **Carving Stone Deposits:** Appendix C, s9. Will the applicant report any discoveries of carving stone deposits to the Qikiqtani Inuit Association?

Yes

No

MARINE AND TERRESTRIAL TRANSPORTATION

21. **Marine and Terrestrial Transportation:** (s 3.5.11 and s 3.5.12): Is this a proposal to develop a transportation and/or communications corridor? (Note: Research on options relating to alternative routes does not in itself constitute a proposal to *develop* a transportation and / or communications corridor. Further, a positive conformity determination with respect to research activities related to alternative routes and cumulative effects does not constitute a positive conformity determination with respect to development of a corridor.)

Yes

No

If yes, please forward to the NPC a detailed application for an amendment to the *North Baffin Regional Land Use Plan*. This application for amendment 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.

22. **Code of Good Conduct for Land Users:** Appendix C: The applicant undertakes to adhere to the code of Good Conduct at all times.

Yes

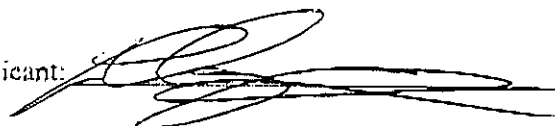
No

I, Rodney Cooper Baffinland
IRON MINES (name of applicant), certify that the information I have given in this application is true and correct and hereby make the above undertakings which form part of my application for a project proposal within the meaning of the Nunavut Land Claims Agreement.

Date:

Jan 22/07

Signature of Applicant:



Application # N2006C0036/2BE-MRY 0406/Q05L2C14/DFO

**North Baffin Regional Land Use Plan
Appendix H
Code of Good Conduct for Land Users**

1. The landscape of each camp and other land use sites will be restored to its original condition to the greatest degree possible. Water quality will be preserved and no substances that will impair water quality will be dumped in water bodies. When possible and feasible, old sites will be restored to the natural state.
2. All land users shall assist communities and government(s) in identifying and protecting archaeological sites and carving-stone sites, as required by law.
3. Generally, low-level flights by aircraft at less than 300 metres should not occur where they will disturb wildlife or people. If such flights are necessary, they should only take place after consultation with the appropriate communities. All land users are responsible for reporting to the land managers any illegal or questionable low-level flight.
4. All activities on the land will be conducted in such a fashion that the renewable resources of the area in question are conserved.
5. Whenever practicable, and consistent with sound procurement management, land users will follow the practice of local purchase of supplies and services.
6. Land users will establish working relationships with local communities and respect the traditional users of the land.
7. During the caribou calving, post-calving and migrating seasons, land use activities should be restricted to avoid disturbing caribou, in general, and activities will be governed more specifically by caribou protection measures such as those contained in Appendix I.
8. Artifacts must be left where they are found. All land users are responsible for reporting the location of, or any removal or disturbance of artifacts, to CLEY.
9. The mining industry is encouraged to assist in identifying local carving-stone deposits and report any discoveries to the QIA. Industry is also encouraged to identify and report old waste sites that need to be cleaned up.
10. All land users shall obey the laws of general application applying to land use.

APPENDIX D: CARIBOU PROTECTION MEASURES⁴⁷

MBRLUP

DIAND⁴⁸

1. (a) The Permittee shall not, without approval, conduct any activity between May 15 and July 15 within the North Baffin region.

(b) A Permittee may, upon approval by the Land Use Inspector (DIAND) or Land Manager (QIA), operate within the North Baffin region beyond the May 15 deadline set out in 1(a), provided that when caribou cows are approaching the area of operation, the Permittee will implement 1 (c).

(c) During the period of May 15 to July 15, the Permittee will suspend all operations, particularly blasting, overflights by aircraft at any altitude of less than 300 metres above ground level, and the use of snowmobiles and ATV's (all-terrain vehicles) outside the immediate vicinity of the camp, and all personnel will remain quietly in camp or, upon advice from the Land Use Inspector (DIAND) or Land Manager (QIA), the Permittee will remove all personnel from the site who are not required for the maintenance and protection of the camp facilities and equipment.

(d) The Permittee may resume activities prior to July 15 if the caribou cows have ceased to use the area for calving or post-calving.
2. (a) During migration of caribou, the Permittee shall not locate any operation so as to block or cause substantial diversion to migrating caribou.

(b) The Permittee shall cease activities that may interfere with migration, such as airborne geophysics surveys or movement of equipment, until the migrating caribou have passed.
3. The Permittee shall not, between May 15 and September 1, construct any camp, cache any fuel or conduct blasting within 10 km, or conduct any diamond drilling operation within 5 km, of any "Designated Crossing" as outlined on the map annexed to a Land Use Permit.
4. Concentrations of caribou should be avoided by low-level aircraft at all times.

⁴⁷ Caribou Protection Measures (Qamanirjuaq and Beverly Herds) 1988. DIAND