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October 17, 2017

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حام√ Sanikiluaq Mr. Brian Aglukark, Nunavut Planning Commission, P.O. Box 419 Arviat, NU XOC 0E0

Mr. Goump Djalogue, Nunavut Planning Commission, P.O. Box 1797, Iqaluit, NU XOC 0H0

Mr. Aglukark and Djalogue,

RE: NPC October 12, 2017 Notice of Public Hearing for December 5-6, 2017, Pond Inlet, Baffinland Iron Mines Corporation Request to Amend the North Baffin Regional Land Use Plan (NBRLUP).

The Nunavut Planning Commission (NPC) issued the above Notice of Public Hearing dated October 12, 2017, together with a draft Hearing Agenda for comment. NPC has asked for comments in writing from participants on the draft agenda on or before 12pm (noon) Eastern, October 17, 2017.

QIA has no immediate concerns with the general outline of the draft Agenda, but we note that it is extremely broad in scope and gives little opportunity for participants to anticipate substantive matters that may arise during hearings. The Agenda identifies a procedure for the two days, but does not assist the parties to prepare for the likely scope of issues and evidence that may arise during the hearing.

QIA requests that NPC also provide directions to the applicant and participants on procedures of the review process to be followed prior to the hearing dates in Pond Inlet. This should include a pre-hearing timeline for the submission of briefs and evidence that allows participants a reasonable time for review in advance of the hearing, and ideally an opportunity for information requests as permitted by NPC Rules.

QIA also recommends a pre-hearing conference be held under section 22.1 of the NPC Rules of Procedure for Public Hearings and Public Reviews. Of matters that a pre-hearing conference may address as set out in paragraphs (a) to (i) of section 22.1, QIA requests NPC consider "Prepar[ation] of a clear statement of issues in question"; "Confirm the participation of participants in the hearing"; "Determine the positions of the participants"; "Set a timetable for the exchange of documents and information requests prior to the hearing", as well as any other matters that NPC may deem necessary or desirable.

In QIA's written submission to NPC of October 2, 2017, in response to NPC's August 31, 2017 Request for Comments to the amendment application, QIA has already preliminarily identified a number of specific issues that in our view will need to be reviewed and considered before NPC can properly conclude its review. Such matters include, without limiting the scope of matters to be considered at a pre-hearing conference, whether or not development of the existing marine corridor to now include winter use and ice-breaking will require NPC to consider adequate evidence as to alternate route assessments? QIA has



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also questioned whether due to the activities proposed by the proponent an additional, winter specific transportation corridor can be examined by the NPC as part of its review of this application.

Furthermore, QIA has also suggested that there is a need to reexamine caribou protection measures in the context of this application and believes it is appropriate to consider this aspect of the application following an NPC decision upon modifications to the NBRLUP.

Additionally, QIA is exploring the possibility of working with all parties to determine if alterative wording amending the NBRLUP can be developed and submitted to the NPC prior to hearings. Understanding more clearly the format and supporting reference materials NPC may expect to support such a submission would be helpful to guide QIA's preparations in this area.

QIA recognizes that the applicant may have views that differ from participants concerning the issues and evidence that should properly be before NPC to review the amendment and make recommendations to the Minister. A pre-hearing conference will provide NPC with the opportunity to hear the positions of the participants on such preliminary questions. Preliminary decisions concerning the scope of matters properly before the hearing can then be made by NPC well in advance of December 5 and 6, 2017.

There may be other matters determined at a pre-hearing conference that will assist the parties to make the most of the limited time available over the 2 day hearing.

Written comments of interested parties may be made to the undersigned for circulation within QIA.

Sincerely,

SWB

Stephen Williamson Bathory
Director, Department of Major Projects
Qikiqtani Inuit Association

Mr. Jaykolassie Killiktee, Chairperson, Mitimattalik HTO

Mr. Joshua Katsak, Mayor, Pond Inlet

Mr. David Curley, Mary River Community Group Chairperson

Mr. Todd Burlingame, BIMC

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