



**PROPOSED PLAN AMENDMENT NO. 1 BY BAFFINLAND IRON MINES CORPORATION**  
**Public Review Template for comments and submissions**

Please return completed templates by **12 NOON EASTERN TIME MAY 10, 2019** to:

- Brian Aglukark, [Aglukark@nunavut.ca](mailto:Aglukark@nunavut.ca), Nunavut Planning Commission, P.O. Box 419, Arviat, NU X0C 0E0 | Fax: (867) 857-2243;

1.	Date of Submission:	May 10, 2019	
2.	Name:	Jeremiah Groves	
3.	Organization (if applicable):	Qikiqtani Inuit Association	
4.	Your contact information or representative contact (mail, email or fax):	PO Box 1340 Iqaluit, NU X0A 0H0 <a href="mailto:ExecDir@qia.ca">ExecDir@qia.ca</a> Fax: 867-979-3238	
5.a	Are you one of the following "parties"? (Check all that apply)	<input checked="" type="checkbox"/>	Inuit of Nunavut;
		<input type="checkbox"/>	Other Aboriginal Peoples listed in Article 40 of the Nunavut Agreement;
		<input checked="" type="checkbox"/>	Resident of Nunavut;
		<input type="checkbox"/>	Nunavut Tunngavik Inc. and Designated Inuit Organizations;
		<input checked="" type="checkbox"/>	Regional Inuit Organizations;
		<input type="checkbox"/>	Municipalities;
		<input type="checkbox"/>	Community Land and Resource Committees;
		<input type="checkbox"/>	Hunters and Trappers Organizations;
		<input type="checkbox"/>	Departments and agencies of the federal and territorial government;
<input type="checkbox"/>	Nunavut Institution of Public Government or		
<input type="checkbox"/>	Designated Inuit Organization		

<b>5.b</b>	If you are not a “party” listed above, please describe how the proposed amendment will affect you.(Explain how your interest is substantial and direct, your participation will further the public review, and your participation will contribute to the openness and fairness of the public review.)	
<b>6.</b>	Your concerns, comments and/or support of the proposed amendment	Please see attached.
<b>7.</b>	Do you want an in-person public hearing? If so, why?	Please see attached.
<b>8.</b>	Your preferred language	English and Inuktitut
<b>9.</b>	List of attachments and references	Letter



Concurrent to this Proposed Amendment before NPC, BIMC has submitted an application to Nunavut Impact Review Board (NIRB) for the Phase 2 Development Proposal (Phase 2). The application process for Phase 2 is underway with a Final Hearing scheduled for September 2019 in Pond Inlet. Relevant to consideration of this Proposed Amendment is the fact Phase 2 proposes a major component, the North Railway between Mary River and Milne Inlet within the multi-use corridor under NBRLUP Amendment No. 3. NIRB is currently assessing the impacts, including cumulative effects, of the Phase 2 proposal. The progress of the Phase 2 is relevant for NPC to consider in light of its re-commencement of the Proposed Amendment.

I. Concerns, Comments and/or Support of the Proposed Amendment

QIA expects that the review of the Proposed Amendment is done in an open and fair public process.

Inuit will be affected by an amendment to the NBRLUP to create a multi-use corridor going south from the Mary River Mine Site. Despite the Mary River Project satisfying the NIRB impact assessment requirements in 2012, the land use planning perspective of Inuit use of the lands and waters between Mary River and Steensby Inlet are important to understand. The Proposed Amendment will have impacts on Inuit beyond the NBRLUP as the corridor seems certain to be grandfathered into a final Nunavut Land Use Plan (NLUP). The distance between Mary River and Steensby Inlet, more than 100km beyond the south boundary of the NBRLUP, is an area where Inuit certainly have relevant input for land use planning. QIA asks NPC to ensure adequate Inuit input is part of decisions that affect them. QIA is also aware certain recent submissions to NPC from the Qikiqtaaluk Wildlife Board on the 2016 Draft of the NLUP include areas near or potentially overlapping with the proposed Southern Railway route that warrant further review in this circumstance.

In respect of the Proposed Amendment specifically, QIA's concerns are process oriented, due to the ongoing NIRB review of Phase 2 currently underway, as well as the explicit requirements of the NBRLUP, including those set out in sections 3.5.11 and 3.5.12.

The original application for this amendment involved a joint NPC/NIRB coordinated process, including to confirm outcomes of impact assessment prior to finalizing any NBRLUP amendments between 2011 to 2014. The Ministers rejected the 2014 South Railway Amendment with written reasons. Now, again, this Proposed Amendment is being re-commenced while a NIRB impact assessment is concurrently underway for Phase 2. A key component of the Phase 2 impact assessment is cumulative effects, including consideration of the proposed North Railway to Milne Inlet and South Railway to Steensby Inlet.

Cumulative effects is of key concern to QIA in the NIRB process as BIMC seems to minimize the *cumulative* nature of cumulative effects – that they accumulate, accrue, mount or compound. QIA’s concern is exacerbated by the fact a current and complete Cumulative Effects Assessment (CEA) is not yet available for parties to review, including NPC for the Proposed Amendment. BIMC has committed to provide an updated CEA by May 13, 2019. QIA will address its concern about the impacts of cumulative effects in the NIRB process to NIRB, but nonetheless sees this as relevant to raise with NPC. It may be a reasonable option for NPC to consider postponing consideration of the Proposed Amendment until the completion of the NIRB review of Phase 2.

The NBRLUP includes explicit conformity requirements for applicants to address cumulative effects in their application. Cumulative effects include reasonably foreseeable activities, including the Phase 2 Application.

“3.5.11 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 effectives of the preferred route...**” (emphasis added)

In a January 18, 2019, document submission, BIM provided a large volume of material to satisfy NPC’s request of September 28, 2018. However, the Cumulative Effects Assessment submitted by BIMC, Volume 9 Cumulative Effects and Other Assessments dated June 2013, was prepared for the Early Revenue Phase. There is no contemplation of Phase 2 in this assessment. It seems reasonably foreseeable that a North Rail Route is something that warrants distinct consideration. There are clearly cumulative effects from a potential rail system that would operate from Steensby Inlet to Milne Inlet across Baffin Island.

BIMC chose to emphasize in their January 18, 2019, letter “... that this [cumulative effects] information is not necessary or appropriate for the NPC or the signatories to consider in relation to the issuance of Amendment No. 1”. This issue is of concern due to the explicit language in the NBRLUP. The application materials for Amendment No.1 considered in 2012 did not include a North Railway, and now BIMC’s position appears to be that Amendment No. 1 should be re-considered in 2019 without satisfying the requirements of the NBRLUP by providing up to date information, despite there being significant new information about a North Railway missing from their submission. From a land use planning perspective, the effects of a North Railway *or* a South Railway are different and less than the effects of a North Railway *and* a South Railway considered together.

NPC must conduct a review of cumulative effects. Cumulative effects are different in land use planning and impact assessment. From a land use planning perspective, cumulative effects should be used to assess whether a proposed amendment can be accommodated

within the context of meeting the overall objectives and requirements of a land use plan. From an impact assessment perspective, cumulative effects are subject to a much finer analysis about the project-specific cumulative impacts, whether they can be mitigated, and if yes, what terms and conditions are needed.

## II. Public Hearing

The NBRLUP is in force, and amendments to that plan are required to satisfy certain explicit requirements. The NBRLUP requires a public review before a recommendation on the Proposed Amendment is made.

“3.5.12 The NPC... **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.” (emphasis added)

The NPC request dated March 22, 2019, sought “concerns, comments and/or support of the proposed amendment”. QIA is not clear whether this process is intended to satisfy the “public review” requirement of the NBRLUP, particularly when the issue of a public hearing is also a question we were asked by NPC. If our current comments are intended to satisfy the public review of the re-commencement of the Proposal Application, it seems reasonable stakeholders would be given clear explicit notice of this. In the interests of procedural fairness, QIA expects this process initiated by way of NPC letter dated March 22, 2019, is not intended to satisfy the public review requirement of the NBRLUP. If so, the submissions from BIMC to respond to NPC’s September 28, 2018, letter do not include a summary of the Proposed Amendment or other key documentation in Inuktitut. The January 18, 2019, BIMC submission is over 2000 pages. The level of consultation required in this instance warrants more opportunity for Inuit to participate than there is at present, including material being made available in Inuktitut.

Further, BIMC has not updated any of the historical material submitted in support of the Proposed Amendment. It is arguable whether the NPC absence / presence review conducted as part of the joint review in 2012 would still meet the requirements of Appendices J and K given there is a mine operating at Mary River. It seems reasonable an application for a land use plan amendment should contain submissions that reflect the actual state of a proposed land use, as well as the uses foreseeably planned, instead of relying on submissions that pre-date any experience with actual use and rely exclusively on untested assumptions.

The last time communities most affected by the Proposed Amendment, namely Igloolik and Hall Beach, were engaged on this issue was more than six years ago. At that time, there was no North Railway being proposed. Assuming the NLUP would grandfather in the multi-use corridor south of the NBRLUP planning region to Steensby Inlet, the Proposed Amendment would result in a multi-use corridor that goes across Baffin Island. It is not clear at this point what input Inuit have on the marine transportation portion of the proposed activities. While this is not explicitly part of the Proposed Amendment, the Proposed Amendment will burden future Inuit decision-making over land (or marine) use planning in this regard. This Proposed Amendment is of sufficient importance to Inuit that they must be given an opportunity to participate in a public review of the Proposed Amendment. That includes in-person participation.

It may be a reasonable alternative to consider an informal public meeting in Igloolik or Hall Beach, as the NPC did with Amendment No. 3 in Pond Inlet, to ensure community members have had adequate opportunity to participate and share their perspectives with NPC on land use planning in their region. QIA is aware a public hearing comes with a significant financial cost to NPC, and so we hope our position on an informal public meeting in one of the two most affected communities, with representation from the other affected community, would be an alternative worth considering.

If you have any questions related to this letter, please direct them to Jared Ottenhof, Department of Major Projects ([jottenhof@qia.ca](mailto:jottenhof@qia.ca)).

Sincerely,



Jeremiah Groves  
Executive Director

CC: Ms. Kilikvak Kabloona, CEO, Nunavut Tunngavik  
Mr. Jimmy Noble, Jr., Deputy Minister, GN Department of Environment  
Mr. Bernie Maclsaac, Deputy Minister, GN Department of ED&T  
Mr. Daniel Watson, Deputy Minister, CIRNAC  
Mr. Grant Goddard, Executive Vice President, BIMC  
Mr. Celestino Uyarak, Mayor of Igloolik  
Mr. Jaypeetie Audlakiak, Mayor of Hall Beach  
Mr. Joshua Katsak, Mayor of Pond Inlet  
Mr. Johnny Malaiya Kublu, QIA Community Director, Igloolik  
Mr. Abraham Qammaniq, QIA Community Director, Hall Beach  
Mr. Charlie Inuarak, QIA Community Director, Pond Inlet