



December 19, 2013

NUNAVUT PLANNING COMMISSION

Scope of Matters to be Considered in the Public Review of Baffinland Iron Mine Corporations (BIMC) Early Revenue Phase (ERP) for the Mary River Project

The North Baffin Regional Land Use Plan (NBRLUP) requires parties wishing to develop a transportation corridor to submit an application to amend the NBRLUP. The Nunavut Planning Commission (NPC) is conducting a 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.

Pursuant to Rule 25.1 of the *Rules of Procedure for Public Hearings and Public Reviews (RPHPR)* which reads: "Subject to Section 11.4.1 of the Agreement and Section 7 of these rules, the Commission shall decide the issues to be considered in a hearing", the issues before the NPC are:

1. Whether the ERP meets the information requirements of Appendices J and K of the NBRLUP, and
2. 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.

Issue 1: Appendices J and K of the NBRLUP

The NBRLUP requires the NPC to publicly review whether the application meets the informational requirements set out in Appendices J and K of the NBRLUP, which provide:

Appendix J

Applicants wishing to develop a transportation and/or communications corridor in the North Baffin region are required to provide the NPC with the following information:

1. A description of the proposed corridor, including its use, its general routing, the possible environmental and social impacts, and any seasonal considerations that may be appropriate.
2. A comparison of the proposed route with alternative routes in terms of environmental and social factors as well as technical and cost considerations.

3. An assessment of the suitability of the corridor for the inclusion of other possible communication and transportation initiatives (roads, transmission lines, pipelines, etc.). This assessment should include:
 - the environmental, social and terrain engineering consequences, and the cumulative impacts of the project, and
 - the environmental and social impact of the project on nearby settlements or on nearby existing and proposed transportation systems.

Appendix K

The following planning guidelines will be used in the assessment of a new transportation / communications corridor proposal:

1. The corridor width shall be a function of:
 - the number and type of identified facilities within the corridor;
 - physical and biophysical conditions;
 - availability of detailed engineering data for one or more transportation modes within the corridor;
 - safe distances between different facilities within the corridor; and
 - aesthetics.
2. Corridors shall:
 - minimize negative impacts on community lifestyles;
 - improve access to other resources having high potential for development, while still maintaining the shortest practicable distance between the primary resource areas and the trans-shipment location;
 - be designed in accordance with existing and prospective land use capability including topography, soil, permafrost and wildlife; and
 - be designed in accordance with the availability of granular supplies.
3. In keeping with existing legal and legislative requirements, including the NLCA, corridors shall not negatively impact:
 - community business, residential and projected expansion areas;
 - important fish and wildlife harvesting areas;
 - key habitat for fish and wildlife species, especially areas used by endangered species;
 - areas of high scenic, historic, cultural and archaeological value.

Issue 2: Whether to Recommend the Amendment

The NPC will also determine whether to recommend the proposed amendment to the land use plan under part 6 of Article 11. The NPC may recommend that the proposed amendment either be rejected or accepted in whole or in part, and the federal and territorial ministers may accept or reject that recommendation. In making this determination, the NPC has indicated those factors it will consider in section 7 of the NPC's *RPHPR*:

- 7.1 In conducting all public hearings and public reviews, the Commission shall be principally guided by:
- (a) The general principles set forth in section 11.2.1 of the Agreement; and
 - (b) The major responsibilities of the Commission in section 11.4.1 of the Agreement.
- ...
- 7.3 Where the Commission conducts a public review of an Amendment Application, in addition to the factors in section 7.1 of these rules, the Commission shall also take the following into account:
- (a) The factors listed in section 11.3.1 of the Agreement;
 - (b) The purpose of land use plans as established by section 11.3.2 of the Agreement;
 - (c) Any planning policies, priorities and objectives regarding the conservation, development, management and use of land applicable to the land to which the Amendment Application relates developed by the Commission under Article 11, Part 2 of the Agreement, as may be amended from time to time; and
 - (d) Any principles that guided the development of the applicable land use plan to which the Amendment Application relates that are contained in that land use plan, whether express or implied.

The NPC's *Broad Planning Policies, Objectives and Goals*, Approved November 10, 2007, list five broad goals contained with policies and objectives to support land use planning in the Nunavut Settlement Area:

- Goal 1 Strengthening Partnership and Institutions;
- Goal 2 Protecting and Sustaining the Environment;
- Goal 3 Encouraging Conservation Planning;
- Goal 4 Building Healthy Communities; and
- Goal 5 Encouraging Economic Development.

Chapter 1.2 of the NBRLUP sets out several principles used in the development of the plan, being a revision of the Lancaster Sound Regional Land Use Plan. These include planning principles under the Nunavut Land Claims Agreement (NLCA), compliance with the NLCA, Land Use Planning on Inuit Owned

Lands, Using Local and Traditional Knowledge, Relationship to Municipal Plans, and Sustainable Development. Chapter 3 also sets out three basic principles:

- **Conserve:** being the wise use of all resources,
- **Communicate:** where different activities compete for the same resources, and
- **Develop:** applying “Sustainable development” to mean “the management of human relationships to the natural environment in such a way that economic, social and cultural needs are met and ecological processes and natural diversity are maintained.”

Chapter 3.5 of the Land Use Plan also sets out principles particular to marine and terrestrial transportation corridors.

The NPC will use the evidence, representations, and comments obtained in the public review to determine these issues. Participants in the public review will make presentations on the facts before the NPC and ask questions that relate to these issues in order to assist the NPC with its decision. The NPC’s public review hearings will be taking place in Clyde River, Grise Fiord, Resolute, Arctic Bay, and Pond Inlet from January 7 to January 10, 2014 to provide the public in each of these communities an opportunity to comment on the Amendment Application.