



PROPOSED PLAN AMENDMENT BY BAFFINLAND IRON MINES CORPORATION Public Review Template for comments and submissions

Please return completed templates by **12 NOON EASTERN TIME NOVEMBER 17, 2017** to:

- Goump Djalogue, gdjalogue@nunavut.ca, Nunavut Planning Commission, P.O. Box 1797, Iqaluit, NU X0C 0H0 | Fax: (867) 979-8260
- Tommy Owlijoot, towlijoot@nunavut.ca, Nunavut Planning Commission, P.O. Box 419, Arviat, NU X0C 0E0 | Fax: (867) 857-2243;

1.	Date of Submission:	November 17, 2017	
2.	Name:		
3.	Organization (if applicable):	Qikiqtani Inuit Association	
4.	Your contact information or representative contact (mail, email or fax):	Dubuc/Osland, Barristers and Solicitors 204 - 265 Carling Avenue, Ottawa, ON K1S 2E1 Telephone: 613-236-3360 Fax: 613-236-3771 Michael K. Osland (mosland@dubucosland.com) Sylvie M. Molgat (smolgat@dubucosland.com)	
5.a	Are you one of the following "parties"? (Check all that apply)		Inuit of Nunavut;
			Other Aboriginal Peoples listed in Article 40 of the Nunavut Agreement;
			Resident of Nunavut;
			Nunavut Tunngavik Inc. and Designated Inuit Organizations;
		X	Regional Inuit Organizations;
			Municipalities;
			Community Land and Resource Committees;
			Hunters and Trappers Organizations;
			Departments and agencies of the federal and territorial government;
			Nunavut Institution of Public Government or Designated Inuit Organization

5.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.)	n/a
6.	Your concerns, comments and/or support of the proposed amendment	Please see attached.
7.	Do you want an in-person public hearing? If so, why?	
8.	Your preferred language	English
9.	List of attachments and references	Please see attached Schedules “A” and “B”.

Schedule "A"

NPC File No. 148420

NUNAVUT PLANNING COMMISSION

*In the matter of an Application by Baffinland Iron Mines Corporation
to Amend Appendix Q of the NORTH BAFFIN REGIONAL LAND USE PLAN
RE MARY RIVER PHASE 2 EXPANSION PROJECT
[NBRLUP Amendment #3]*

SUBMISSIONS BY QIKIQTANI INUIT ASSOCIATION

(Public Hearings: Pond Inlet, NU - December 4-5, 2017)

1. The Nunavut Planning Commission ("NPC" or the "**Commission**") is conducting public hearings to review a new application by Baffinland Iron Mines Corporation ("**Baffinland**") to further amend of the North Baffin Regional Land Use Plan ("**NBRLUP**") to accommodate new works associated with the Mary River Project. Qikiqtani Inuit Association ("**QIA**") supports a fulsome public review of Baffinland's application to amend.
2. QIA's mandate is to safeguard, administer and advance the rights and benefits of Inuit of the Qikiqtani Region consistent with its role as a Designated Inuit Organization under Nunavut Agreement, including to promote the cultural, economic, social and political interests of all of QIA's members. In furtherance of its mandate, QIA's reply of October 2, 2017 to NPC's request for comments insisted on a public hearing in Pond Inlet to ensure that community members and organizations are able to directly address their concerns to NPC Commissioners. QIA also insists that NPC ensure that appropriate levels of community consultation and input have been demonstrated by Baffinland to NPC's satisfaction.

Background

3. In April 2014, the NBRLUP was amended to create a transportation/communications corridor (the “**Northern Transportation Corridor**”) allowing Baffinland to transport iron ore from the Mary River Mine Site to port at Milne Inlet using the Tote Road as part of Baffinland’s Early Revenue Proposal (“**ERP**”). The approved amendment is set out in Appendix Q to the NBRLUP.
4. Later in 2014, Baffinland submitted a request for a conformity determination regarding Phase 2 of the Mary River Project which proposed to triple the amount of ore being shipped through the Milne Inlet Port by increased trucking and shipping traffic including ice-breaking. In April 2015, NPC determined that ice-breaking navigation was not contemplated by Appendix Q. Baffinland subsequently obtained a Ministerial Exemption from the NBRLUP.
5. In February 2016, Baffinland decided to revise its Mary River Phase 2 Proposal to provide for ore to be transported by railway from the Mine Site to Milne Inlet, instead of by road. The Nunavut Impact Review Board (“**NIRB**”) determined that the proposed changes constitute a significant change to the original Phase 2 Proposal and referred the matter back to NPC for a conformity decision.
6. On February 3, 2017, Baffinland submitted a Project Proposal for the Mary River Phase 2 Expansion Project (the “**PH2 Expansion**”) to NPC to conduct a conformity review as directed by NIRB. Baffinland states that in order to establish an economically sustainable operation, production must increase from 4.2 to 12 Million tonnes of ore per year (12M t/a) and proposes “a lower cost rail transport to port” for increased efficiency and capacity to allow the company to concentrate on iron ore shipments during ice free/open water season.
7. The works and activities contemplated by Baffinland’s PH2 Expansion involve the following:

- (i) the construction and operation of a new railway of some 110 km in length, generally following the Tote Road, to connect the Mary River Mine Site and the Milne Inlet Port (the “**North Railway**”);
 - (ii) the construction of a second ore dock at the Milne Inlet Port to accommodate the largest (capesize) dry cargo ships, as well as a second ship loader, railway unloading and maintenance facilities, additional support infrastructure and an enclosed crushing facility; and
 - (iii) an extension of the ore-shipping season to mid-November and the ability to conduct winter sea-lifts of freight as required.
8. On March 6, 2017, NPC advised Baffinland that these proposed works and activities are not contemplated by the previous amendment to Appendix Q of the NBRLUP. The Commission determined that the construction of a rail line, additional infrastructure at the Milne Inlet Port Site, and a proposed winter sealift constitute a new transportation corridor and requested that Baffinland submit a detailed application for an amendment, including an assessment of alternative routes, the cumulative effects of the preferred route, and reasonable options for other identifiable transportation and utility facilities as required by section 3.5.11 of the NBRLUP.
9. On March 17, 2017, Baffinland provided additional information to NPC in a formal application, together with some particulars of the proposed amendment to Appendix Q of the NBRLUP to include a North Railway within the existing Northern Transportation Corridor and the ability to conduct winter sealifts through ice in the marine corridor during the months of December, January and February.
10. In its report dated August 28, 2017, NPC’s Executive Director recommended a public review of Baffinland’s amendment application.

11. On October 24, 2017, Baffinland advised that it was withdrawing the winter sealift and ice-breaking portion of its March 17, 2017 application to amend Appendix Q of the NBRLUP. Baffinland is therefore now only seeking to amend Appendix Q to construct the North Railway within the Northern Transportation Corridor and a second ore dock and associated infrastructure for loading, unloading, maintenance and crushing at Milne Inlet Port.
12. It is a matter of public record that icebreaking in the marine component of the Northern Transportation Corridor was never considered in a public review of the previous amendment application by Baffinland. In any event, it is QIA's position that winter icebreaking is not consistent with the NBRLUP. This was also the finding of the Commission in its Negative Conformity Determination dated April 8, 2015. As Baffinland has realized, the proposal to engage in winter icebreaking activity in the marine transportation corridor has raised very serious concerns in particular within the community of Pond Inlet as it would most certainly have significant environmental and social impacts beyond those previously considered. As evidenced by filings and public statements from the Pond Inlet HTO, proposals for icebreaking have consistently been met by opposition. Despite several years of engagement Baffinland and the community of Pond Inlet have yet to agree upon possible project monitoring plans, mitigation measures, communication and safety systems that would address community concerns related to icebreaking.
13. NPC directed that any requests for further information regarding Baffinland's amendment application be made by October 26, 2017. In light of Baffinland's subsequent withdrawal of the winter shipping from its amendment application two days earlier, QIA requested further information for public review concerning all community involvement events relating to Baffinland's Phase 2 Proposal. QIA also requested technical drawings, data, reports, studies, analyses and information from Baffinland relating to the proposed railway use, the effect of a railway on the scope, width and size of the transportation corridor and the health and safety implications of permitting a multi-modal use of both road and rail in close proximity of one another within the Northern Transportation Corridor. Despite the fact that Baffinland's Phase 2 proposal includes further development of Inuit Owned Lands ("IOL") and also implicates

the Mary River Inuit Impact Benefit Agreement (“**IIBA**”), QIA has only been provided the same body of information as submitted to regulators.

14. In response to QIA’s broad request for information, Baffinland delivered voluminous materials on November 7, 2017. Written submissions from participants are due on November 17, and any reply by Baffinland on December 4 --the day the public hearing begins.

ISSUES FOR PUBLIC REVIEW

15. Section 3.5.12 of the NBRLUP requires that the NPC and either NIRB or a panel constituted under the *Nunavut Agreement* publicly review Baffinland’s PH2 Expansion to determine whether this Proposal adequately meets the guidelines set out in Appendix J and Appendix K of the NBRLUP. These submissions by QIA are intended to assist the NPC in making a determination on conformity.

Compliance with Appendix J: Has Baffinland Provided All Required Information?

16. Applicants wishing to develop a transportation corridor are required to provide NPC with certain information as set out in Appendix J of the NBRLUP, beginning with “*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.*”
17. In its PH2 Expansion Proposal, Baffinland has described the proposed North Railway, its proposed use, and proposed routing generally following the Tote Road. Baffinland’s railway fleet will consist of 5 heavy-haul locomotives, and 176 cars. The proposed railway will be some 110 kms long and will run on a cycle of approximately 9 hours, with 5-6 trains being loaded each day. There will be 2 sets of trains, each consisting of two (2) locomotives hauling 72-80 open-top ore cars at a speed of 60-75 km/hr.

18. Although possible environmental and social impacts have been identified by Baffinland, no information consisting of independent data has been provided, and seasonal considerations (notably impacting on caribou) have not been addressed in any detail.
19. For example, Baffinland states that the railway will result in reduced noise, less dust emissions, minimized potential caribou and human health hazards, increased hunter safety and minimized opportunities for adverse interactions with wildlife, but no independent data has been provided to support any of these assertions.
20. There is no doubt that the PH2 Expansion raises the potential for disruption to Inuit land use activities, community, hunting and travel routes, camp sites, and inter-community travel between Pond Inlet, Igloolik and Hall Beach. Construction and operation of the proposed North Railway will lead to air emissions and dust, impacts to fresh water, disturbance to landforms, potential wildlife disturbances to caribou and harm to habitat and the environment.
21. In response to some of the issues raised in community engagement activities, Baffinland expresses confidence that any concerns expressed can be mitigated by constructing the railway to facilitate ease of crossing for users and wildlife, and through “a robust adaptive social and biophysical management program” and “clear and comprehensive communication and awareness initiatives with affected communities” however no information as to exactly what any of that might involve is provided. QIA notes that communities have consistently expressed a desire to improve the communication system associated with the project to ensure safety for land users, as is demonstrated in documents supplied on November 7, 2017.
22. Whereas Appendix J further requires that an applicant provide: “*A comparison of the proposed route with alternate routes in terms of environmental and social factors as well as technical and cost considerations*”, Baffinland simply states that no other alternatives are considered feasible. Beyond stating the simple economic imperative in favour of

transportation by rail, no road versus railway analysis has been provided. No alternative rail routes have been presented, meaning the relative impacts of the proposed route have not been assessed in comparison to alternative routes. There is no evidence to show that Baffinland has selected the most environmentally and socially viable rail route.

23. Finally, Appendix J further requires that an applicant provide: *“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.”*
24. Baffinland has not at this stage provided any independent assessments. It is not clear whether, in deferring the delivery of such information to the environmental assessment process, Baffinland’s PH2 Expansion and amendment application meet the information requirements set out in Appendix J of the NBRLUP.

Appendix K: Have the Assessment Guidelines Been Met?

25. On October 26, 2017, QIA requested that Baffinland file with NPC for the review record all technical drawings, data, reports, studies, analysis and information pertaining to the proposed railway use within the territorial component of the existing transportation corridor. QIA is looking for information that demonstrates the effect of the proposed North Railway on the scope, width and size of the existing transportation corridor as well as information pertaining to the health and safety implications of permitting a multi-modal use for both railway and vehicular traffic in close proximity of one another within the Northern Transportation Corridor.
26. Baffinland has declined QIA’s request for such information. In its November 7, 2017 response, Baffinland states that the level of information requested will be provided as part of

the environmental assessment review process to be conducted by NIRB in connection with the Phase 2 Project, and that the information included in its March 2017 amendment application should be sufficient for the Commission and NBRLUP amendment purposes. QIA disagrees with the suggestion that such information is not required.

Appendix I : Reconsideration of Caribou Protection Measures

27. QIA also requested that Baffinland provide information on how the development and operation of the proposed railway relates to the current caribou Protection measures.
28. The present amendment application by Baffinland should require a review and update of Caribou Protection Measures (“CPM”). QIA developed Project-specific “Mary River CPM” in collaboration with Baffinland that were jointly submitted to NPC and NIRB in January 2014, in conjunction with the formal review of Baffinland’s ERP. These CPM apply to the whole of the Mary River Project Area (as defined in s. 3.6 of the IIBA) and are a requirement of Baffinland’s Commercial Production Lease on IOL.
29. It was specifically contemplated that the Mary River CPM would be updated from time to time to take into account any relevant amendments to the NBRLUP (such as the inclusion of a “Caribou Protection Map” or a defined “Caribou Protection Area” contemplated but to date not yet included in the NBRLUP.)
30. The nature of the proposed activities to be carried out as part of the PH2 Expansion being different than those in the ERP, NPC should review the information provided by Baffinland to determine whether the current CPM need to be revised to address the scope of activity now being contemplated by Baffinland in this latest application to amend Appendix Q. For example, in the absence of a construction schedule, or details regarding ramp-up of rail operations, when it is presumed Tote Road haulage will continue, it may not be possible to

properly take into account any “seasonal considerations” (such as caribou calving) as required by Appendix J which might impact on the CPM set out in Appendix I.

31. QIA believes the current CPM should be reviewed and amendments considered to address the Phase 2 proposal, with amendments submitted for consideration by NPC prior to a conformity decision.
32. QIA submits that as part of the review process NPC should also require confirmation that the existing CPM are currently being implemented prior to making any decision on conformity.

Permitted Uses – “Multi-Modal” Corridors

33. Baffinland refers to “the existing 10km wide” Northern Transportation Corridor running generally along the Milne Inlet Tote Road which should be amended to include a 110km long railway line as a permitted use. This would appear to be based in part on the (2016) draft proposed Land Use Plan (“**Draft 2016 NLUP**”) which contemplates that such corridors “can be multi-modal in their use”. For the purposes of making a conformity decision regarding the present application by Baffinland, it is not the Draft 2016 NLUP but rather the current NBRLUP which applies.
34. While QIA is not opposed to a “multi-modal” concept in general, consideration must be given to whether the existing public easement created by the Nunavut Agreement over IOL for a public road is consistent with the specific mixed use—in this case, public use of a roadway, active mine use of the same roadway and the construction and use of a railway within the same general area. It is also not clear whether “multi-modal” (as contemplated by the Draft 2016 NLUP) is intended to entail two distinct and potentially incompatible pieces of linear infrastructure while also recognizing the existence of a public access easement.
35. The Draft 2016 NLUP defines a Linear Infrastructure Corridor as “*a strip of land narrower than 10km, making the location where the Linear Infrastructure is to be constructed. These*

corridors may, if so authorized in the NLUP combine multimodal, intermodal, and utilities such as power and communication transmission lines and towers.” If the Commission considers this definition, QIA submits that a decision must be made on the actual width of the corridor as well as the uses which will be permitted within the said corridor.

36. When Appendix Q was first considered, Baffinland was proposing to carry out open water shipping and ore haulage by truck. In its present application for amendment, Baffinland states that it is not proposing a new route, but rather a different route within the existing corridor. Constructing a railway within a corridor where previously only a road had been considered is a new activity and constitutes a new use with different implications both socially and environmentally. A 110km long railway to facilitate the transportation of a higher volume of ore is not the same as a smaller scale trucking operation along a pre-existing roadway. Baffinland projects to run long trains 5-6 times a day over a 9-hour period, with the aim to transport almost 3 times more iron ore than is being currently being transported over the Tote Road in the existing corridor.
37. While NPC may consider whether it is appropriate for the Northern Transportation Corridor to be used for more than one mode of transportation, any and all uses should be reviewed and vetted by NPC to ensure that they are consistent with Appendix Q.
38. The wording of Appendix Q is broad, but does not address a number of issues that arise from the PH2 Expansion Proposal. Baffinland states that it visited Pond Inlet and Arctic Bay and asked community members about the proposed railway. It is however not possible, based on the consultation record, to determine the adequacy of the information provided to the communities regarding the construction, scale and operation of the railway component of the PH2 Expansion and any proposed safeguards to address the community concerns raised.
39. Although Baffinland refers (among other) to the January 2017 report by Jason Prno Consulting Services Ltd. (the “**Jason Prno Report**”) regarding the results of community workshops conducted for Baffinland, it is expressly noted that the workshops in question pre-

date the PH2 Expansion of February 2017 and were focused on the October 2014 Phase 2 Proposal only. Even before a North Railway was contemplated, concerns were expressed about noise, the potential for further declines in caribou populations, difficulties getting over embankments to cross the road, threats to wildlife and hunter safety in view of increased traffic along the Tote Road and a general community perception that Baffinland does not really want Inuit to hunt around the Mine Site.

40. In its November 7, 2017 response to QIA's information request regarding community engagement activities, Baffinland states that it has engaged with the 5 North Baffin communities and provided information to them. Baffinland proposes to comprehensively consider and address community concerns in the environmental assessment of Phase 2 and takes the position that they are not relevant to the Commission's consideration of its amendment application.
41. QIA submits that NPC must nevertheless weigh the information provided in the Jason Prno Report to decide whether adequate and sufficient information has been provided as required by Appendices J and K of the NBRLUP. QIA submits that this determination must be made at the planning stage to enable NPC to properly review the nature and extent of the proposed uses and activities. In addition, clearly identifiable limitations on uses within an existing transportation corridor should be established.

Overall Approach to Permitting

42. Related to the nature and adequacy of community consultation and general public engagement, the overall approach taken by Baffinland to seek approvals for the Phase 2 Proposal has resulted in considerable confusion, and lack of certainty for all parties especially for Inuit in impacted communities. The cycle of revisions to plans regarding the Phase 2 Proposal, both within the NPC process but also related applications to other Institutions of Public Government ("IPGs") has resulted in considerable difficulties in maintaining a direct and focused review of the application.

43. A specific example relates to the withdrawal of the icebreaking component which took place on October 24, 2017. While this change has narrowed the list of matters parties need to consider in these submissions, it also has the effect of further confusing Baffinland's overall intention for the project. QIA notes that the extent of confusion related to planning for the project is not limited to this application and extends into other applications currently before the IPGs. Collectively, the overall approach taken by Baffinland toward project permitting limits the ability to succinctly review and respond to proposals in a comprehensive and resolution-oriented fashion and frustrates opportunities for all parties to understand and collaborate. This approach to project permitting has led to distrust by Inuit in impacted communities.
44. QIA has always advocated for an approach that places Inuit interests at the forefront of project planning and development. This includes advocating for IPGs to hold meetings in impacted communities, including hearings. Furthermore, QIA has always advocated for a solution-based approach, whereby Inuit interests are taken into consideration as part of the process to develop applications. Under such an approach parties would resolve key decision points in the project with mutual clarity prior to hearings or formal approval decisions. Due to the approach to permitting being taken, Inuit have been positioned so as to react to proposals. This causes additional strain on the time, attention, resources and patience of all parties. Such an approach is also not consistent with how Inuit view development taking place on their lands. Should the Phase 2 Proposal receive a positive conformity determination by the NPC, QIA remains open and committed to proactively addressing key elements of the project prior to additional assessments and subsequent hearings.

Appendix Q: Proposed/Required Amendments

45. QIA's position on the proposed text to amend Appendix Q submitted by Baffinland depends on the decision of the Commission. If NPC's decision, after hearing the submissions of all parties (and in particular the concerns expressed by local community members and

organizations), is in principle to allow an amendment, then QIA recommends that the text be modified for clarity.

46. Attached as *Schedule "B"* is QIA's proposed text to revise Baffinland's proposed amendment of Appendix Q. Highlighted wording is the amended text proposed by Baffinland. Red/underlined tracked changes indicate the wording revisions proposed by QIA. References to winter shipping have been removed and clarification provided to confirm that Baffinland has formally withdrawn winter sea-lifts from its amendment application. In QIA's view, winter shipping and icebreaking activity is excluded in the marine component of the transportation corridor. QIA also proposes to include a clarification that Appendix I and the Mary River CPM apply to any activities in the Northern Transportation Corridor and QIA's view that such measures must be updated and amended.

ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 17th day of November, 2017.



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Schedule "B"

QIA Draft Proposed Amendment to Appendix "Q" of North Baffin Regional Land Use Plan

The lands generally located North of Mary River, North Baffin Island, 1000km North of Iqaluit, and generally described as the lands located North of Mary River, North Baffin Island, 1000 km North of Iqaluit, and described as the line commencing at the Mary River Mine Site, approximately 71.3N-79.22W, and running generally North for approximately 110 km to the Milne Port at approximately 71.53N-83.54W and then running generally North through Milne Inlet and then East through Eclipse Sound to Baffin Bay for approximately 270km and as generally illustrated in Schedule "A" of the Amendment may be developed for the purpose of a transportation corridor in accordance with the following provisions.

- The transportation corridor, for the purposes of this Amendment, contains two components, one terrestrial and the other marine. Together they include the Milne Inlet Tote Road, a potential railway and related infrastructure, Milne Port and the marine shipping route from the Milne Port North through Milne Inlet and then East through Eclipse Sound to Baffin Bay to the eastern extent of the land-fast ice zone as illustrated in Schedule A to this Amendment and may also include any infrastructure, support facilities, and any other related systems associated with the safe operation of the transportation corridor, and as outlined in the Early Revenue Phase Addendum to Final Environmental Impact Statement and the Mary River Phase 2 Expansion Project Proposal, as revised and excluding winter shipping.
- The terrestrial component, encompassing the Milne Inlet Tote Road, includes a fixed smooth or paved surface, made for travelling by motor vehicle or carriage throughout the year and is available for use for a railway and for related infrastructure and may include, bridges, culverts, tunnels, crossings, signals, telecommunication facilities, yards, terminals and service and storage facilities associated with a road or railway as well as any other infrastructure required to ensure the safe operation and movement of motor vehicles, or carriages or train cars, but limited in width at all points to not greater than 10km.
- The marine component, encompassing the shipping corridor, includes a marine travel route used by ship traffic to navigate and may also include marine infrastructure, including aids to navigation, fixed docks, floating docks, piers, ports, loading and unloading facilities, storage facilities, refueling facilities and any other facilities or infrastructure which is required for operating the port or for ensuring the safe passage of vessels. For greater certainty, the marine corridor may be used for shipments of freight by winter sealift through ice during the months of December, January and February
- A transportation corridor, for the purposes of the NBRLUP, may be used by any person for the purpose of transportation, including for the purpose of servicing the operation of the Mary River Mine Site and transporting iron ore from the Mary River Mine Site subject to the terms

of this Amendment. Any industrial activity within the corridor shall be in accordance with the terms and conditions of any project certificates, permits, licences, or authorizations. Any incidental activities or regular maintenance associated with the upkeep or continued operation of the transportation corridor to ensure the safe operation of transportation-related infrastructure and activities will not require further review or amendment so long as otherwise not contrary to the terms of this Amendment and described in the Early Revenue Phase Addendum to the Final Environmental Impact Statement, the Mary River Phase 2 Expansion Project Proposal, or any other project proposal or proposal amendment approved in accordance with the NLCA.

• Activities within the transportation corridor must conform to applicable provisions of the NBRLUP, including Appendix I and Mary River Caribou Protection Measures, as amended.

• Nothing in this Amendment will prevent or prohibit the public right of access for the purpose of transportation, as described in Schedule 21-2 of the Nunavut Land Claims Agreement ("NLCA"), on the Inuit Owned Lands described in that Schedule.

• Nothing in this Amendment will prevent or prohibit the use of the lands as described in this Amendment and as shown on Schedule "A" for the purpose of wildlife harvesting and/or traditional activities carried out by residents of the Region.

• Traditional activities may include hunting, fishing, camping and any other activity considered by residents to be important in maintaining a traditional lifestyle.

• Nothing in the NBRLUP will prevent or prohibit navigation in the marine environment in accordance with existing international law and conventions, federal laws and regulations applicable to shipping and navigation, and the NLCA.

• Except as expressly stated in this Amendment No new prohibitions are contained or proposed in this Amendment.