

Amendment Number 3 to the North Baffin Regional Land Use Plan

The Undersigned, are pleased to approve, on behalf of the Designated Inuit Organization, the Government of Canada and the Government of Nunavut, Amendment Number 3 to the North Baffin Regional Land Use Plan which is effective as of _____

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Part 1 - Background

1.1 Introduction

Part 1 is provided for background and information purposes only and does not form part of the Amendment.

1.2 Purpose

The purpose of this Amendment is to add new permitted uses and clarify the permitted uses of a transportation corridor in the North Baffin Regional Land Use Plan (NBRLUP). The amended transportation corridor includes changes and upgrades to the Milne Inlet Tote Road as described in Article 21 and Schedule 21-2 of the Nunavut Agreement (NA) and is further described herein.

1.3 Location

The lands generally located North of Mary River, North Baffin Island, 1000km 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 100km to the Milne Port at approximately 71.53N-80.54W 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.

1.4 Basis

The NBRLUP provides the NPC the option to recommend an amendment to the NBRLUP to include a new transportation corridor where the NPC has determined that a corridor:

- minimises negative impacts on community lifestyles;
- improves 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;
- has been designed in accordance with existing and prospective land use capability including topography, soil, permafrost and wildlife;
- has been designed in accordance with the availability of granular supplies;

- does not negatively impact community business, residential and projected expansion areas;
- does not negatively impact important fish and wildlife harvesting areas;
- does not impact key habitat for fish and wildlife species, especially areas used by endangered species; and
- does not impact high scenic, historic, cultural and archeological value.

The NPC determined that the addition of a railway to the existing transportation corridor as described requires an amendment and that this amendment application satisfies the above provisions in respect of the existing road, proposed railway and open-water marine shipping.

Whereas the NPC has conducted public reviews of the proposed transportation corridor for the Mary River Iron Ore Project, generally described as the Milne Inlet Tote Road and a proposed railway from the Mary River Mine Site to Milne Port and an open-water marine shipping route from Milne Port through Eclipse Sound to Baffin Bay, and as further described in BIMC's "Summary of Information Provided to the NPC in accordance with Appendices J and K of the NBRLUP November 8, 2013" and BIMC's "Proposal for Amendment to the NBRLUP in relation to the Mary River Phase 2 Expansion Project (NPC File # 148420)", as revised on October 24, 2017 in accordance with section 3.5.12 of the NBRLUP:

- Pursuant to section 3.5.12 of the NBRLUP the NPC considers it appropriate to amend the NBRLUP to reflect a new railway being added to the terrestrial transportation corridor. By amending the NBRLUP to identify the transportation corridor, environmental and social disturbances will be confined to a specific and defined area, limiting, as far as possible, the geographic area involved in disturbances; and
- By amending the NBRLUP to identify the transportation corridor, clarity, certainty and direction will be provided for other possible communication and transportation initiatives and or/systems in the Region.

1.5 Mine Inlet Tote Road and Public Access Easement

Nothing in this Amendment will prevent or prohibit the public right of access, as described in Schedule 21-2 of the NA, on the Inuit Owned Lands described in that Schedule.

Part 2 – The Amendment

Amendment No. 3 Mary River Transportation Corridor

2.1 Introduction

The following text and the attached schedule designated as Schedule “A” constitute Amendment No. 3 to the North Baffin Regional Land Use Plan (NBRLUP).

2.2 Details of the Amendment

The North Baffin Regional Land Use Plan is amended as follows;

- 2.2.1 Appendix “P” is added after Appendix “O” in the NBRLUP and replaces Appendix “Q” which is deleted from the NBRLUP.

Appendix “P”

The lands generally located North of Mary River, North Baffin Island, 1000km 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 100km to the Milne Port at approximately 71.53N-80.54W 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, which together constitute the Mary River Transportation Corridor, 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.

- The terrestrial component, encompassing the Milne Inlet Tote Road, railway and Milne Port, is limited in width at all points to not greater than 10 km, and is composed wholly of:
 - railways, including rail embankments, railway ties and rails, bridges, culverts, tunnels, railway crossings, signals, telecommunication facilities, piers, piles, yards, terminals and service, fuel storage and storage facilities associated with the railways;
 - roads (seasonal or permanent) as well as any infrastructure and support facilities, including camps, quarries, terminals, loading and unloading facilities, fuel storage and any other related systems associated with railways and roads; and
 - seasonal airstrips/icestrips.

- The marine component, encompassing 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 consists of 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 component of the Mary River Transportation Corridor does not include winter shipping through ice.

- The Mary River Transportation Corridor, for the purposes of the NBRLUP, may be used by any person for the purpose of transportation by road, rail, and open water shipping and navigation, 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 and the NBRLUP. 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 Mary River 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 the NBRLUP.

- All projects within the Mary River Transportation Corridor must conform to all applicable provisions of the NBRLUP.

- 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 Agreement (NA), 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 NA.
- Except as expressly stated in this Amendment no new prohibitions are contained or proposed in this Amendment.

2.3 Implementation and Interpretation

For the purposes of road, rail, and open water transportation projects proposed within the Mary River Transportation Corridor, sections 3.5.11 and 3.5.12 of the North Baffin Regional Land Use Plan are considered satisfied, and no further applications to amend the plan for development of a corridor are required for those modes of transportation. The implementation of this Amendment shall be consistent and in accordance with the Nunavut Agreement the *Nunavut Planning and Project Assessment Act* (Canada) and NBRLUP.

The location of the Mary River Transportation Corridor as shown in the appended map is approximate. Minor adjustments shall not require a further amendment to the NBRLUP.

The interpretation and implementation of this Amendment shall be consistent with the paramount importance of safety of vessel, crew and the environment in accordance with existing international law and conventions, federal laws and regulations applicable to shipping and navigation.



