



September 28, 2018

William Napier
Owner Representative
Baffinland Iron Mines Corporation
2275 Upper Middle Road East
Oakville, ON L6H 0C3

Sent via email: william.napier@baffinland.com

Dear Mr. Napier,

Re: Recommencement of Amendment to North Baffin Regional Land Use Plan for Railway to Steensby Inlet

In April 2008, Baffinland Iron Mines Corporation (**BIMC**) submitted a project proposal to the Nunavut Planning Commission (**NPC**) advising of its intention to construct a railway from the Mary River Mine Site towards Steensby Inlet. A portion of the proposed railway is subject to the North Baffin Regional Land Use Plan (**NBRLUP**). The NPC issued a positive conformity determination and asked the Nunavut Impact Review Board (**NIRB**) to conduct a joint public review of the proposed transportation corridor as a plan amendment (the **South Railway Amendment**). In 2014, the federal and territorial Ministers rejected the South Railway Amendment with written reasons. I write to inform you that the Commissioners have met to consider the South Railway Amendment, and have decided recommence the public review of that amendment.

Because the South Railway Amendment is an ongoing matter, the NPC considers the *Nunavut Planning and Project Assessment Act* (Canada) (**NuPPAA**) and the NPC's Internal Procedure for Amendments to Land Use Plans (the **Internal Plan Amendment Procedure**) to be applicable to the South Railway Amendment. In the original public review of the South Railway Amendment with the NIRB between 2008 and 2012, the Commissioners did not themselves attend the NIRB's project review hearings, as sections 3.5.11 and 3.5.12 of the NBRLUP identify the plan amendment public review process as "conformity requirements" which had been delegated to staff. Going forward, the Commissioners will be involved throughout plan amendment proceedings as required by the NPC's Internal Plan Amendment Procedure.

Based on section 62(2) and section 59(2) of the *Nunavut Planning and Project Assessment Act* (Canada) (**NuPPAA**), the Commissioners have decided that they will undertake a further public review of the South Railway Amendment that takes into account current and relevant factors affecting the project. The Commissioners reached this decision upon a review of BIMC's request to reconsider Amendment #1, as well as the following materials:

1. 2015-03-23 Plan Amendment Internal Procedure
2. 2011-01-21 Draft EIS_Executive summary (excerpt)
3. 2013-12-09 NPC Ltr to Minister AAND GN Re NBRLUP Amendment
4. 2013-12-09 Recommended NBRLUP Amendment No 1
5. 2014-04-28 AANDC Minister response to NBRLUP Amendment recommendations
6. 2014-04-28 GN DOE Minister response to NBRLUP Amendment recommendations
7. 2014-06-05 Government of Canada Recommended changes to Amendment No 1
8. 2014-05-22 Detailed GN Comments on NPC Recommendation re Amendment 1 to the NBRLUP
9. 2018-05-29 Notice of Approval of NBRLUP Amendment No 3
10. 2018-08-23 NPC Letter re Amendment No 1 to the NBRLUP
11. 2018-09-14 GOC response re Amendment No 1 process
12. 2018-09-20 GN Response re Amendment No 1 process
13. 2018-09-20-NTI response re Reconsideration of Amendment No 1 to the North Baffin Regional Land Use Plan

The Government of Canada's amendment rejection letter in 2014 urged the NPC to "...publicly solicit feedback on potential recommendations from appropriate parties, including government officials, prior to Issuing its revised recommendation to Ministers." Canada's latest letter dated September 14, 2018 also recommended the Commission ensure it had enough public feedback prior to making an informed decision, notes several "potentially significant changes" have occurred, and said it would support a new public review if requested by the planning partners. On September 20, 2018, Nunavut Tunngavik Inc. noted that BIMC's original application did not consider the cumulative effects of a railway to Steensby as well as a railway to Milne Inlet and recommended that a public review was necessary.

The NPC requests BIMC provide updates on the materials filed in support of the amendment application to reflect changes in the Mary River Project since the original materials were submitted, including consideration of a second railway North to Mile Inlet, or other projects that have been proposed or approved since that time. BIMC is also encouraged to provide suggested revisions to the wording of the amendment as it did as part of the Amendment #3 public review process.

The Commission believes that it is appropriate to recommence a public review on the basis of the materials presently before the NPC, and will structure future notices and timelines anticipating the filing of additional information and potential revisions to the wording of the amendment application before the public or other participants would be expected to provide comments.

Please note that in order for updated information requested from BIMC to be considered by Commissioners during their December 2018 meeting, this information would need to be provided by November 9, 2018 or by January 18, 2019 to be considered during the February 2019 meeting.

Respectfully,



Sharon Ehaloak, Executive Director
Nunavut Planning Commission

cc: NBRLUP Distribution List