



**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 9, 2019	
2.	Name:	Government of Nunavut	
3.	Organization (if applicable):	Government of Nunavut	
4.	Your contact information or representative contact (mail, email or fax):	Steve Pinksen <a href="mailto:SPinksen@gov.nu.ca">SPinksen@gov.nu.ca</a>	
5.a	Are you one of the following "parties"? (Check all that apply)	<input type="checkbox"/>	Inuit of Nunavut;
		<input type="checkbox"/>	Other Aboriginal Peoples listed in Article 40 of the Nunavut Agreement;
		<input type="checkbox"/>	Resident of Nunavut;
		<input type="checkbox"/>	Nunavut Tunngavik Inc. and Designated Inuit Organizations;
		<input 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 checked="" 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

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	<p><b><u>Summary</u></b></p> <p>The Government of Nunavut (GN) supports the revised wording for the amendment to the North Baffin Regional Land Use Plan (NBRLUP) (Amendment No. 1). In 2014, the GN and the Government of Canada (GOC) rejected the original wording for Amendment No. 1 with written reasons. The revised wording satisfies the GN’s issues from that time. The Nunavut Planning Commission (NPC) should complete its remaining obligations to revise the wording to Amendment No. 1 without delay.</p> <p><b><u>Background</u></b></p> <p>The Nunavut Agreement and the <i>Nunavut Planning and Project Assessment Act</i> (NuPPAA) dictate a clear process for facilitating land use plan amendments. The NPC received the GN and the GOC’s (together “Government”) written reasons for the original rejection of Amendment No. 1 in 2014. At present, the NPC still has obligations pursuant to Nunavut Agreement Articles 11.5.6, 11.5.7 and 11.6.4 and NuPPAA section 62 (2) to fulfill. The NPC must fulfill these obligations as expeditiously as possible. Specifically, the NPC must make changes to the wording for Amendment No. 1 that it considers appropriate and submit the revised proposed Amendment No. 1 to approval authorities. Efficiency in the land use plan amendment process is integral to maintaining certainty and confidence in the territory’s regulatory approvals regime.</p> <p>On December 9, 2013, the NPC recommended that the GN Minister of Environment and the Minister of Indian Affairs and Northern Development, as the department was then known, accept Amendment No. 1. The recommendation came after a thorough joint NPC and Nunavut Impact Review Board (NIRB) public review of the Mary River Mine project (the Project), inclusive of the application for Amendment No. 1. On April 28, 2014, the GN referred Amendment No. 1 back to the NPC because the proposed</p>

		<p>text of Amendment No. 1 restricted the transportation corridors access to a single user. The GN provided more detailed recommendations on proposed revisions to the NPC on May 22, 2014. The GN acknowledges that its recommendations have been taken into consideration in the newly proposed text for Amendment No. 1.</p> <p><b><u>Specific GN Concerns</u></b></p> <p>The GN suggests that the NPC scope its ongoing Amendment No. 1 review process in a manner that accounts for a number of concerns:</p> <p>1. <u>The Approved Mary River Mine Project</u></p> <p>Although not yet approved, the 35km transportation corridor contemplated in Amendment No.1 is a portion of the approved Project, defined in NIRB Project Certificate No. [005]. Amendment No. 1 should contribute to the ongoing relevance and utility of the NBRLUP. Subsequently the NPC should scope any potential further review of Amendment No.1 to review (1) issues underlying the original rejection by Government, and (2) new, emerging issues raised by other parties, that are appropriately addressed within a land use planning context; falling within NPC's jurisdiction. Some of these issues may include:</p> <ul style="list-style-type: none"> <li>• Review of the latest specific language proposed by BIMC for Amendment No. 1;</li> <li>• Further clarification of user access along the approved Steensby corridor within Amendment No. 1;</li> <li>• Clarification regarding whether the approved Steensby corridor should be multi-use, allowing a range of transportation modes and/or other associated infrastructure;</li> <li>• Determination of appropriate associated infrastructure included within Amendment No. 1 and corresponding definitions for these broad or specific subsets of associated infrastructure;</li> <li>• Determination regarding the adequacy of the associated map for Amendment No. 1 in support of the approved Steensby corridor; and</li> <li>• Determination regarding the appropriate width of the approved Steensby corridor.</li> </ul> <p>Clarity regarding the above considerations will better define this transportation corridor's characteristics within the NBRLUP, improving the NBRLUP's ongoing relevance and utility. The GN acknowledges that the NBRLUP will become void once a Draft Nunavut Land Use Plan is approved, but in the interim this regional land use plan needs to be maintained.</p>
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		involvement. Any deficiencies in BIMC's Cumulative and Transboundary Effects Assessment for its Mary River Phase 2 Project proposal will be best considered during the currently active NIRB reconsideration process for Project Certificate No. [005]. The GN has been an active participant in this reconsideration, has put forward cumulative effects concerns within that forum, and intends to speak to these concerns during the NIRB's September 16-21 Final Public Hearing.
7.	Do you want an in-person public hearing? If so, why?	<p>Consistent with its September 20, 2018 letter to NPC, the GN finds that NPC has fulfilled its obligation under section 59(2) of NuPPAA and section 5 of NPC's <i>Internal Procedure: Amendments to Land Use Plans</i> to conduct a public review of Amendment No. 1 to the NBRLUP. The public hearing held in July 2012 satisfies these provisions.</p> <p>If a second public hearing were to be held for Amendment No. 1, NPC should scope it towards defining the characteristics of the subject 35km corridor, and maintaining the relevance and utility of the NBRLUP.</p>
8.	Your preferred language	Given the subject region: Inuktitut, English, and French.
9.	List of attachments and references	<p>Government of Nunavut (September 20, 2018). <i>Letter to NPC untitled response to NPC August 23, 2018 letter.</i></p> <p>Government of Nunavut (May 22, 2014). <i>Additional Details Supporting the Decision on the 1<sup>st</sup> Amendment to the North Baffin Regional Land Use Plan.</i></p> <p>Government of Nunavut (April 28, 2014). <i>Letter to NPC untitled response to NPC December 9, 2013 letter.</i></p> <p>Nunavut Planning Commission (December 9, 2013). <i>Letter to Government of Canada and Government of Nunavut RE: Proposal to Amend the North Baffin Regional Land Use Plan.</i></p> <p>Nunavut Planning Commission (May 30, 2012). <i>Letter to Nunavut Impact Review Board RE: NIRB/NPC Joint Review – Baffinland Mary River Project NIRB File 08MN053, AANDC N2008T0014, QIA LUA 2008 008, NWB 2AM MRY, DFO 2008 MR.</i></p> <p>Nunavut Planning Commission (May 17, 2012). <i>Letter to Baffinland Iron Mines Corporation RE: [NIRB File # 08MN052] NPC Decision whether more Information is Required to Satisfy</i></p>

		<i>NBRLUP-Appendix J &amp; K.</i>
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