

November 8, 2011

Mr. Ron Roach,
Chairperson,
P.O. Box 623,
Nunavut Planning Commission
Rankin Inlet NU X0C 0G0

Mr. Lucassie Arragutainaq
Chairperson,
P.O. Box 1360
Nunavut Impact Review Board
Cambridge Bay, NU X0B 0C0

Dear Mr. Roach and Mr. Arragutainaq:

Re: North Baffin Regional Land Use Plan Transportation Corridor

Thank you for Mr. Roach's November 5, 2011 letter on the above topic. Without addressing all the detail in that letter, NTI notes the following:

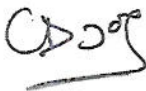
1. Under section 6.2, a project proposal conforms to the Plan if it satisfies the Conformity Requirements identified in Chapter 3. These are detailed in Appendix C, and include sections 3.5.11 and 12.
2. The designation [CR] in section 3.5.11 refers to the following Conformity Requirement: *that a transportation corridor proponent submit to the NPC an adequate application for a plan amendment. (If a government wishes to propose a transportation corridor, this would be an Action (See Plan p. 80), hence the additional designation [A]).*
3. The designation [CR] in section 3.5.12 refers to the following Conformity Requirement: *that a proposal meet the Guidelines in Appendices J and K.*
4. Appendix K is not an information requirement. The Guidelines must be complied with under section 3.5.12.
5. The designation [A] in 3.5.12 refers to: *(i) the requirement that the NPC and NIRB publicly review the proposed corridor to determine whether it meets the Guidelines in Appendices J and K, and (ii) the provision for NPC to request an amendment to the Plan once it is determined that the proposal meets the Guidelines.*
6. Section 3.5.11 necessarily implies that a plan amendment is required for an approved transportation corridor to proceed.

7. The word "may" in 3.5.12 does not mean that a transportation corridor may proceed in the absence of an amendment to the Plan. That reading would run counter to 3.5.11. Rather, the word "may" is intended to take account of the fact that the public review may result in the NPC deciding not to seek an amendment to the Plan for reasons other than non-compliance with Schedule K. For example, a more favorable route being identified in the review could result in an alternative transportation corridor proposal.

It is worth noting that Baffinland itself describes the Mary River Project as essentially a transportation project, and recently reiterated its request that the NPC proceed with consideration of Baffinland's application for an amendment to the Plan.

NTI is mindful that, as events have unfolded, it is now critical that a return to the process for Plan amendment as contemplated by sections 3.5.11 and 12 proceed as soon as possible. Indeed, it is unclear to what extent the NIRB can properly proceed with a review that goes beyond the purposes of s. 3.5.12, within the terms of the NLCA, in the absence of such an amendment.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Cathy Towtongie', with a horizontal line underneath.

Cathy Towtongie
President, NTI

cc: QIA President