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Nunavunmi Parnaiyiit
Nunavut Planning Commission
Commission d'Aménagement du Nunavut

February 20, 2013

Mr. Ryan Barry
Executive Director
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Fax: (867) 983-2594

**BY EMAIL** **rbarry@nirb.ca**

Dear Mr. Barry,

**Re: Nunavut Planning Commission ("NPC") response to Nunavut Impact Review Board ("NIRB"), regarding Baffinlands Iron Mine Corp.'s ("Baffinland") Project Certificate No. 005 for the Mary River Project (the "Project").**

The NPC received NIRB's correspondence of February 12, 2013, regarding the NIRB's decision to reconsider Baffinland's Project Certificate No. 005. We wish to thank the NIRB for recognizing the importance of the NPC's mandate. With this correspondence, we seek to advise on the NPC's process for engaging in the conformity determination to the North Baffin Regional Land Use Plan (NBRLUP).

Firstly, the NPC's process of conformity determination, of a proposed amendment to NIRB's Project Certificate 05, will be identical to any review conducted to an already authorized project that is seeking an amendment which includes;

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1) A confirmation that the proposed amendment(s) to an authorized project significantly changes the scope of the project,
2) Receipt of all core applications that are being amended including the description of the proposed changes,
3) A conformity review of the proposed changes with the relevant terms listed in the NBRLUP,
4) This review will include a determination on whether 3.5.10, 3.5.11, 3.5.12 requires implementation under a joint review process with both the NPC and the NIRB.

Secondly, we require clarification of the statement that the NIRB "will not be conducting a screening of the proposed amendments… but rather will be undertaking a reconsideration of the Project Certificate Terms and Conditions under Article 12, Part 8, Section 12.8.2 of the [*Nunavut Land Claims Agreement* ("**NLCA**")]". Section 11.5.11 of the ***NLCA*** clearly requires that the NPC make a determination prior to a screening by the NIRB. The NLCA cannot be interpreted to enable a proponent to sidestep the screening process by proposing one project then seeking reconsideration after a certificate is issued to proceed. Please confirm that any process to be followed by the NIRB, after the NPC's determination, will be as thorough and rigorous as though a new project were being proposed.

If you have any questions or would like to discuss the NPC review process, please do not hesitate to contact our office.

Yours truly,

Brian Aglukark
Director, Implementation
Nunavut Planning Commission

CC. Erik Madsen, Baffinland Iron Mines Corporation

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