



April 13, 2013

Mr. Erik Madsen
Vice President Sustainable Development, Health, Safety & Environment
Baffinland Iron Mines Corporation
Suite 1016, 120 Adelaide Street West
Toronto, ON M5H 1T1

BY EMAIL erik.madsen@baffinland.com

Dear Mr. Madsen

RE: NPC's Procedure for Review of the Mary River Project – NIRB File No. 08MN053 Amendment Request to Certificate No. 005

The NIRB advised interested parties that the Baffinland Iron Mines Corporation (BIMC) will be submitting an addendum to its Final Environmental Impact Statement for consideration for a proposed Early Revenue Phase for the Mary River Project – NIRB File No. 08MN053 in June 2013 or shortly thereafter. This letter summarizes the procedure the NPC will perform to address the proposed addendum related to the Certificate No. 0005 as required by section 11.5.10 Nunavut Land Claims Agreement (NLCA).

The procedure is as follows:

1. Upon receipt of all the core applications for an amendment related to the Certificate No.0005 and before the related authorizations have been granted, the NPC will determine on a timely basis whether the works or activities proposed in the application are relevant to the conformity requirements of the North Baffin Regional Land Use Plan (NBRLUP).
2. If not, the NPC will advise the proponent and the relevant agencies that the works and activities are not relevant to plan requirements, and that no conformity review is necessary. (In other words, from the planning perspective, such works and activities will be treated as not changing the project proposal that already has been reviewed for conformity under section 11.5.10.)

3. If so, the NPC will conduct a conformity review and advise the proponent and the relevant authorizing agencies of its determination. (In other words, such works or activities will be treated as distinct project proposals for the purpose of section 11.5.10 of the NLCA.)

- a. If the works and activities are in conformity with the NBRLUP (i.e. the conformity determination is positive), the NPC shall, subject to sections 12.3.2, 12.3.3 and 12.4.3 of the *NLCA*, forward its determination and recommendations (if any) to the NIRB for screening.
- b. If the NPC finds the amended project proposal is not in conformity with the NBRLUP, the NPC will not send the proposal to the NIRB. BIMC could in that event seek a Ministerial exemption to proceed to the reconsideration by NIRB.

The purpose of this procedure is to ensure that all land use plan requirements are applied to project amendments made after the project's authorization.

The NPC would like to point out that this procedure is based on two assumptions, which have to be correct if it is to operate efficiently and effectively. First, the NPC must be in receipt of all of the completed "core" applications relating to the Certificate N0. 005 when the original conformity determination was made. The project proposal that is contained in the completed "core" applications has to serve as the base for all of the NPC's conformity work. Second, the NPC must receive amended applications related to Certificate 005 that already have been reviewed for conformity by the NPC, on a timely basis. In the BIMC's case, the applications were referred to the NPC by the authorizing agencies. The NPC suggests those authorizing agencies that would require issuing a revised license or permitting immediately refer the application to the NPC to commence this procedure outlined above.

In closing, I hope that the responsible agencies can continue to coordinate their efforts in this way to ensure that the *NLCA* framework for the regulation of land and resources in Nunavut is fully respected and effectively implemented.

Sincerely,



Brian Aglukark
Nunavut Planning Commission

CC.	Ryan Barry	Nunavut Impact Review Board
	Bernie Mac Isaac	Qikiqtani Inuit Association
	Jeff Mercer	Aboriginal Affairs & Northern Development Canada
	Phyllis Beaulieu	Nunavut Water Board
	Amy Liu	Department of Fisheries & Ocean Canada