



December 19, 2013

Brian Aglukark
Director Implementation
Nunavut Planning Commission
PO Box 2101
Cambridge Bay, NU X0B 0C0

Procedural Matters and Filings Relating to the NPC's Review of the Transportation Corridor as part of Baffinland's Early Revenue Phase ("ERP") for the Mary River Project

Dear Mr. Aglukark,

Thank you for the NPC's Directions on Procedure circulated via email on December 15, 2013, in relation to the informal oral hearings, scheduled for January 7 – 10, 2014, (the "Oral Hearings") on the transportation corridor as part of Baffinland's ERP.

We would like to obtain clarification of a number of procedural points in relation to the Oral Hearings and the Directions on Procedure, and to ensure that certain documents are posted to the NPC website in relation to this proceeding.

1. Identification of Participants and Addresses for Service

We request that the NPC clarify and post on its website the list of participants identified to date and their addresses for service, to be updated if and when any additional participants are identified.

In the interim, we are circulating this correspondence, and any further filings we may make, to the email distribution list to which the NPC sent the Directions on Procedure. We seek confirmation from the NPC that until such time as a participants list is posted on the NPC website, circulating documents to the aforementioned email distribution list is sufficient to effect service on all participants.

2. Public Record

Since the NPC process is part of a coordinated process with the Nunavut Impact Review Board, we hereby request that the NPC confirm that, documents on the NIRB public record for Baffinland's ERP can be considered as part of the record in the NPC review without further filing or service.

We note that a number of participants in the NPC review have made relevant filings, including technical comments and responses, with the NIRB. The confirmation that we are requesting would enable the NPC to rely on documents filed on the NIRB site.

We would also like your confirmation that with respect to documents filed on the public record, there is no need to also serve them on the participants.

3. Conformity Determination and Associated Documents

We note that in the Directions on Procedure the NPC has identified the following issues:

- Whether the ERP meets the information requirements of Appendices J and K of the North Baffin Regional Land Use Plan (NBRLUP), and
- Whether to recommend an amendment to the land use plan based on the factors referred to in Section 7 of the RPHPR including for the purposes of Rule 7.3(d), chapters 1 and 3 of the NBRLUP.

Baffinland's Amendment Application was provided as part of an Application for Conformity, and was preceded by detailed submissions on conformity, and in particular the issue of whether the ERP includes the development of a transportation corridor under the provisions of the NBRLUP. The Application for Conformity was originally filed on June 12, 2013. In response the NPC provided Baffinland with a Questionnaire on July 5, 2013, which Baffinland completed and submitted on July 9, 2013. In response to a letter from the NPC dated July 30, 2013, requesting submissions from Baffinland on the possible development of a transportation corridor and the general application of the NBRLUP to the ERP, Baffinland made submissions on August 2, 2013. In response to a letter from the NPC dated August 6, 2013 (posted to the NPC's website) requesting that Baffinland submit an Application for development of a transportation corridor, Baffinland submitted on August 9, 2013 a revised response to the Questionnaire on Conformity, including the requested application (which response has also been posted to the NPC website). In that revised Questionnaire on Conformity, under Question 21 (Does the proposal consider the development of a transportation and/or communications corridor?) the Yes/No answer section was left blank as that was the issue for determination, and on that issue Baffinland referenced its submissions of August 2, 2013.

With respect to the issues that the NPC has identified, there is the underlying issue of the interpretation of sections 3.5.10, 3.5.11 and 3.5.12 of the NBRLUP, which has to be considered in determining whether an amendment is required, and if so, the scope and nature of the amendment.

We request that the Associated Documents identified on the NPC's website include the following documents in addition to the documents already posted:

- (i) Mary River Project – Early Revenue Phase, Application for Conformity Determination, dated June 12, 2013;
- (ii) Cover Letter from Baffinland to NPC and Completed Conformity Questionnaire, dated July 9, 2013;
- (iii) Letter from NPC to Baffinland Re: Request for Submissions on Possible Development of Transportation Corridor and the General Application of the NBRLUP to the Mary River Project ERP, dated July 30, 2013;
- (iv) Cover Letter and Submissions from Baffinland to NPC in response to Request for Submissions, dated August 2, 2013;
- (v) NPC letter re: Proposed Transportation Corridor - Conditional Conformity Letter, dated August 13, 2013;
- (vi) NPC letter re: Information Request for Joint Review of Proposed Corridor, dated September 23, 2013;
- (vii) NIRB letter to NPC re Technical Review Comments relevant to the NPC and NIRB Joint Review of the Proposed Transportation Corridor for the Mary River Project Early Revenue Phase proposal, November 14, 2013; and

(viii) Baffinland letter to NIRB re: Response to Technical Comments for Early Revenue Phase and Project Condition Amendments, November 15, 2013.

Although these documents were copied to a number of the participants, and most of them were included in the NIRB public registry, we ask that they be filed as part of the NPC's public record (PDF's of these documents are attached in this transmission).

4. Additional Documents Baffinland Intends to File on the NPC's Public Record

Baffinland intends to file a power point presentation with the NPC in advance of the Oral Hearings in January, in both English and Inuktitut.

Thank you for your consideration of these issues, and we look forward to productive meetings in January. If you require further information, please contact myself or Erik Madsen, at the following addresses respectively: oliver.curran@baffinland.com and erik.madsen@baffinland.com.
Yours truly,

Sincerely,



Oliver Curran
Director, Sustainable Development

Cc: Ryan Barry (NIRB)
Amanda Hanson (NIRB)