

Amendment Number 2 to the North Baffin Regional Land Use Plan

Ministerial Approval

The Undersigned, are pleased to approve, on behalf of the Government of Canada and the Government of Nunavut, Amendment Number 2 to the North Baffin Regional Land Use Plan which is effective as of _____

The Honourable Bernard Valcourt,
Minister Aboriginal Affairs and Northern Development Canada
Aboriginal Affairs and Northern Development Canada
Executive Offices
10 Wellington Street
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The Honourable Johnny Mike
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Part 1 - Background

1.1 Introduction

Part 1 is provided for background and information purposes only and does not form part of the Amendment.

1.2 Purpose

The purpose of this Amendment is to include a new transportation corridor in the North Baffin Regional Land Use Plan (NBRLUP). The new transportation corridor reflects the transportation corridor proposed as part of NPC File “DFO File NU-07-0050 NIRB File 08MN053 Baffinland Iron Mine Early Revenue Phase (ERP) Curran Jun 13 CR” which includes changes and upgrades to the Milne Inlet Tote Road as described in Article 21 and Schedule 21-2 of the Nunavut Land Claims Agreement (NLCA) and is further described in the “Early Revenue Phase Addendum to Final Environmental Impact Statement June 2013” and more concisely described in “Summary of Information Provided to the NPC in accordance with Appendices J and K of the NBRLUP November 8, 2013” prepared by Baffinland Iron Mine Corporation (BIMC).

1.3 Location

The lands generally located North of Mary River, North Baffin Island, 1000km North of Iqaluit, and described as the line commencing at the Mary River Mine Site, approximately 71.3N-79.22W, and running generally North for approximately 100km to the Milne Port at approximately 71.53N-83.54W and then running generally North through Milne Inlet and then East through Eclipse Sound to Baffin Bay for approximately 270km and as generally illustrated in Schedule “A” of the Amendment.

1.4 Basis

The NBRLUP provides the NPC the option to request the ministers to amend the NBRLUP to include a new transportation corridor where the NPC has determined that a corridor:

- minimises negative impacts on community lifestyles;
- improves access to other resources having high potential for development, while still maintaining the shortest practicable distance between the primary resource areas and the trans-shipment location;

- has been designed in accordance with existing and prospective land use capability including topography, soil, permafrost and wildlife;
- has been designed in accordance with the availability of granular supplies;
- does not negatively impact community business, residential and projected expansion areas;
- does not negatively impact important fish and wildlife harvesting areas;
- does not impact key habitat for fish and wildlife species, especially areas used by endangered species; and
- does not impact high scenic, historic, cultural and archeological value.

The NPC determined that the transportation corridor as described satisfies the above provisions as is further outlined in the “Nunavut Planning Commission North Baffin Regional Land Use Plan Amendment Application – Reasons for Decision from Public Review” report.

Whereas the NPC has conducted a public review of the proposed transportation corridor for the Mary River Iron Ore Project, generally described as the Milne Inlet Tote Road from the Mary River Mine Site to Milne Port and a marine shipping route from Milne Port through Eclipse Sound to Baffin Bay, and as further described in BIMC’s “Summary of Information Provided to the NPC in accordance with Appendices J and K of the NBRLUP November 8, 2013” in accordance with section 3.5.12 of the NBRLUP:

- Pursuant to section 3.5.12 of the NBRLUP the NPC considers it appropriate to amend the NBRLUP to reflect the transportation corridor. By amending the NBRLUP to identify the transportation corridor, environmental and social disturbances will be confined to a specific and defined area, limiting, as far as possible, the geographic area involved in disturbances; and
- By amending the NBRLUP to identify the transportation corridor, clarity, certainty and direction will be provided for other possible communication and transportation initiatives and or/systems in the Region.

1.5 Mine Inlet Tote Road and Public Access Easement

Nothing in this Amendment will prevent or prohibit the public right of access, as described in Schedule 21-2 of the NLCA, on the Inuit Owned Lands described in that Schedule.

Part 2 – The Amendment

Amendment No. 2 Milne Inlet Tote Road and Marine Transportation Corridor

2.1 Introduction

The following text and the attached schedule designated as Schedule “A” constitute Amendment No. 2 to the North Baffin Regional Land Use Plan.

2.2 Details of the Amendment

The North Baffin Regional Land Use Plan is amended as follows;

2.2.1 Appendix “Q” is added after Appendix “P” in the North Baffin Regional Land Use Plan.

Appendix “Q”

The lands generally located North of Mary River, North Baffin Island, 1000km North of Iqaluit, and generally described as the lands located North of Mary River, North Baffin Island, 1000km North of Iqaluit, and described as the line commencing at the Mary River Mine Site, approximately 71.3N-79.22W, and running generally North for approximately 100km to the Milne Port at approximately 71.53N-83.54W and then running generally North through Milne Inlet and then East through Eclipse Sound to Baffin Bay for approximately 270km and as generally illustrated in Schedule “A” of the Amendment may be developed for the purpose of a transportation corridor in accordance with the following provisions

- The transportation corridor, for the purposes of this Amendment, contains two components, one terrestrial and the other marine. Together they include the Milne Inlet Tote Road, Milne Port and the marine shipping route from the Milne Port North through Milne Inlet and then East through Eclipse Sound to Baffin Bay to the eastern extent of the land-fast ice zone as

illustrated in Schedule A to this Amendment and may also include any infrastructure, support facilities, and any other related systems associated with the safe operation of the transportation corridor, and as outlined in the Early Revenue Phase Addendum to Final Environmental Impact Statement¹.

- The terrestrial component, encompassing the Milne Inlet Tote Road, includes a fixed smooth or paved surface, made for travelling by motor vehicle or carriage throughout the year and may include, bridges, culverts, tunnels, crossings, signals, telecommunication facilities, yards, terminals and service and storage facilities associated with a road as well as any other infrastructure required to ensure the safe operation and movement of motor vehicles or carriages.
- The marine component, encompassing the shipping corridor, includes a marine travel route used by ship traffic to navigate and may also include marine infrastructure, including aids to navigation, fixed docks, floating docks, piers, ports, loading and unloading facilities, storage facilities, refueling facilities and any other facilities or infrastructure which is required for operating the port or for ensuring the safe passage of vessels.
- A transportation corridor, for the purposes of the NBRLUP, may be used by any person for the purpose of transportation, including for the purpose of servicing the operation of the Mary River Mine Site and transporting iron ore from the Mary River Mine Site. Any industrial activity within the corridor shall be in accordance with the terms and conditions of any project certificates, permits, licences, or authorizations. Any incidental activities or regular maintenance associated with the upkeep or continued operation of the transportation corridor to ensure the safe operation of transportation-related infrastructure and activities will not require further review or amendment.
- Nothing in this Amendment will prevent or prohibit the public right of access for the purpose of transportation, as described in Schedule 21-2 of the Nunavut Land Claims Agreement (NLCA), on the Inuit Owned Lands described in that Schedule.
- Nothing in this Amendment will prevent or prohibit the use of the lands as described in this Amendment and as shown on Schedule “A” for the purpose

¹ Early Revenue Phase Addendum to Final Environmental Impact Statement June 2013

of wildlife harvesting and/or traditional activities carried out by residents of the Region.

- Traditional activities may include hunting, fishing, camping and any other activity considered by residents to be important in maintaining a traditional lifestyle.
- Nothing the NBRLUP will prevent or prohibit navigation in the marine environment in accordance with existing international law and conventions, federal laws and regulations applicable to shipping and navigation, and the NLCA.
- No new prohibitions are contained or proposed in this Amendment.

2.3 Implementation and Interpretation

The implementation of this Amendment shall be consistent and in accordance with the Nunavut Land Claims Agreement and North Baffin Regional Land Use Plan.

The location of the transportation corridor as shown in the appended map is approximate. Minor adjustments shall not require a further amendment to the NBRLUP.

The interpretation and implementation of this Amendment shall be consistent with the paramount importance of safety of vessel, crew and the environment in accordance with existing international law and conventions, federal laws and regulations applicable to shipping and navigation.

