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Nunavunmi Parnaiyiit
Nunavut Planning Commission
Commission d'Aménagement du Nunavut

November 20, 2014

Erik Madsen, Vice President
Sustainable Development, Health, Safety & Environment
2275, Middle Rd. East, Suite 300
Oakville, ON., Canada
L6H 0C3

BY Email: erik.madsen@baffinland.com

Dear Mr. Madsen;

RE: Baffinland Iron Ore Corporation's Mary River Project Phase 2 Development Application – Nunavut Impact Review Board Certificate # 005

Thank you for your letter dated October 29, 2014 requesting a conformity determination against the North Baffin Regional Land Use Plan (NBRLUP) and the Mary River Project Phase 2 Development Amendment proposal. The Nunavut Planning Commission's (NPC) process in conducting conformity determinations for requests to amend authorized projects is outlined below.

1. Upon receipt of any application from an authorising agency related to a project that is made after the NPC's conformity determination and before the related authorizations have been granted, the NPC determines in an expeditious manner whether the works or activities proposed in the application are relevant to the conformity requirements of the approved plan in question.

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2. 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.) During such NPC conformity reviews, the Nunavut Impact Review Board (NIRB), if it has initiated such an activity, may have to suspend its development impact assessment process, depending upon the stage that the process.

3. 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 the amendment falls within the scope of the project's previous conformity review. (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 of the NLCA.)

The purpose of this procedure is to ensure that all land use plan requirements are applied to project modifications made prior to project authorization. At the same time, the aim is to interrupt the development impact and authorization processes that may have been initiated only to the extent necessary to achieve that purpose.

The NPC would like to point out that all of the completed applications related to the proposed amendment to the authorized project are submitted to the NPC. The project proposals that are contained in the completed amendment applications serve as the base for all of the NPC's conformity work. Upon NPC's completion of the conformity determination, the authorizing agencies must ensure to implement their responsibilities under section 11.5.9 in relation to all such subsequent applications, regardless whether the NPC conducts a further conformity determination.

In closing, to allow the NPC to determine whether a conformity determination is required to the above noted amendment request, and to ensure previous relevant plan requirements are implemented, or to determine if the proposed amendments are in conformity to the approved plan in question, the NPC will need to have in its records all the relevant amendment applications and the associated project descriptions before making a decision.

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If you require further clarification please do not hesitate to contact me at aglukark@nunavut.ca.

Sincerely,

Brian Aglukark, Director, Implementation
Nunavut Planning Commission

CC. Amanda Hanson, Nunavut Impact Review Board
Phyllis Beaulieu, Nunavut Water Board
Georgina Williston, Department, Fisheries & Oceans Canada
Stephen Williamson Bathory, Qikiqtani Inuit Association
Salamonie Shoo, Qikiqtani Inuit Association
Tracey McCaie, Aboriginal Affairs & Northern Development Canada

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