



November 24, 2014

Mr. Brian Aglukark
Nunavut Planning Commission
P.O. Box 2101
Cambridge Bay, NU X0B 0C0

Dear Mr. Aglukark:

Re: Mary River Project Phase 2 Development and Application to Determine Conformity with the North Baffin Regional Land Use Plan

We have your letter of November 20, 2014 in response to our letter of October 29, 2014.

We have concerns with your letter and would like to clarify the process for a conformity determination under the Nunavut Land Claims Agreement (NLCA).

By letter to NIRB dated October 29, 2014, we requested a reconsideration, under Article 12.8.2 of the NLCA, of the terms and conditions of Project Certificate No. 005 to authorize Phase 2. The NPC was copied with that letter. NIRB, in its response of October 31, 2014, noted that the Proposal had been submitted directly to the NPC for a conformity determination, required before NIRB proceeds with its consideration of the request for reconsideration of the Project Certificate.

Our letter to the NPC of October 29, 2014 attached a Project Description for the proposed Phase 2 activities, along with a completed "Nunavut Planning Commission Application to Determine Conformity with the North Baffin Regional Land Use Plan". We understand from your letter of November 20, 2014 that you will treat the proposed works and activities under Phase 2 as a project proposal for the purpose of Section 11.5.10 of the NLCA.

Section 11.5.10 of the NLCA provides as follows:

- 11.5.10 The NPC shall review all applications for project proposals. Upon receipt and review of a project proposal, the NPC or members thereof or officers reporting to the NPC shall:
- (a) determine whether the project proposals are in conformity with plans; and
 - (b) forward the project proposals with its determination and any recommendations to the appropriate federal and territorial agencies. The land use plan may make provision for the NPC to approve minor variances.

As indicated above, we have provided you with a Project Description, and a completed NPC Application to Determine Conformity. You also have the October 29, 2014 request to NIRB to reconsider the Project Certificate under Article 12.8.2 of the NLCA. These are all of the documents submitted to regulatory agencies in relation to Phase 2. The NPC conformity

determination and the NIRB reconsideration of the Phase 2 proposal must be completed before applications are considered by any other regulatory agencies.

Under the provisions of Article 11.5.10 of the NLCA, the NPC is required, on receipt of the Project Proposal, to determine whether the Project Proposal is in conformity with the North Baffin Regional Land Use Plan (NBRLUP), and then to forward the Proposal, with the NPC determination, and any recommendations, to the appropriate federal and territorial agencies.

The NPC has all the documentation that is required to move forward with a conformity determination under Article 11.5.10. Your website indicates that the NPC aims to complete a conformity review as quickly as possible, usually within 10 days of receipt of the proposal. The website also indicates that a brief description of the proposal is enough for the NPC to make a determination.

As requested in our letter of October 29, 2014, we ask that the Commission make an expeditious determination of conformity for Phase 2 of the Project, in accordance with Article 11.5.10 of the NLCA.

Yours truly,

A handwritten signature in black ink, appearing to read 'Erik Madsen', with a stylized, flowing script.

Erik Madsen, Vice President
Sustainable Development, Health, Safety & Environment

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