



July 28, 2017

Sharon Ehaloak  
Executive Director  
Nunavut Planning Commission  
P.O. Box 1797  
Iqaluit, Nunavut X0A 0H0

**Sent via:** <sehaloak@nunavut.ca>

Dear Ms Fhaloak:

**RE: Baffinland Iron Mines Corp.'s application to amend the North Baffin Regional Land Use Plan**

I am writing you with respect to the Nunavut Planning Commission's (NPC) consideration of Baffinland Iron Mines Corporation's (BIMC) proposal to amend the North Baffin Regional Land Use Plan (NBRLUP) in support of their Mary River Phase 2 Expansion Project (Phase 2).

It has been brought to our attention that recent documentation related to the Phase 2 proposal amendment application to the NBRLUP is not readily accessible on the NPC's Public Registry. In its letter of December 19, 2016, the NIRB concluded that the northern rail component and associated infrastructure constitute a significant modification to the Phase 2 proposal, and advised BIMC to submit their project update to the NPC.

We are aware that the NPC has been working with both BIMC and the federal government in order to achieve progress on this amendment application. However, the NPC has not yet released a publicly accessible application update, nor has it made available the related correspondence between the Commission, BIMC, the Qikiqtani Inuit Association (QIA), Nunavut Tunngavik Incorporated (NTI), and Indigenous and Northern Affairs Canada (INAC).

The GN recognizes that the *Nunavut Planning and Project Assessment Act* (*NuPPAA*) only requires the NPC to make amendment proposals public *after* they have decided to conduct a public review. However, the lack of transparency with respect to the

correspondence surrounding such an important decision is a cause for concern. Nunavummiut, regulatory authorities, and other stakeholders need to understand what is being proposed in Nunavut – including consistent notifications from their Institutions of Public Government (IPGs).

In follow-up to the recent May 2017 *NuPPAA* workshop, the NPC solicited feedback the Government of Nunavut and others on a portion of its Internal Procedures. The GN asks that the NPC broaden this initiative to include Amendments to Land Use Plans (*Internal Procedure Amendments to Land Use Plans*, Nunavut Planning Commission, March 2015). Our concerns in this regard are compounded by the 2016 *Draft Nunavut Land Use Plan*'s prohibitive approach to zoning, which may require Proponents to submit frequent amendment applications.

As we understand the current situation, BIMC applied for an amendment to the NBRLUP on March 17, and requested that the NPC consider their proposed amendment, and if it deems it necessary, conduct a public review. The Government of Nunavut is not opposed to the consideration of an amendment to the NBRLUP and is committed to taking part in an efficient and meaningful public review process. The GN agrees with the QIA and NTI that a full public review and public hearing is not necessary under the Nunavut Agreement, *NuPPAA*, or the NPC's Internal Procedures documents. We think that it is incumbent upon the NPC and BIMC to reengage to explore alternative options, including the submission of a conformity determination and subsequent request for ministerial exemption as per section 82(1) of *NuPPAA*. This is especially the case in light of the Commission's stated position that this issue cannot be resolved prior to a decision on funding from the Government of Canada

Finally, I would like to highlight the importance of keeping this process on track in the broader context of Nunavut's perception by industry as a mining jurisdiction. Nunavut is generally viewed as a stable and attractive place to invest; however, the past five years of reports from the Fraser Institute Survey of Mining Companies have seen our territory fall significantly in ranking among worldwide jurisdictions in confidence over permitting processes and access to mineral rights. Among Canadian jurisdictions, despite representing one-fifth of the country and being endowed with favorable geology, we rank among the lowest on investment attractiveness, and the lowest in terms of policy perceptions. The Institute's report clearly cites uncertainties and lengthy timelines in the permitting process as major issues.

I would like to stress that this letter is not intended to diminish the significance of the Phase 2 proposal review. The expansion of a transportation corridor to allow for a railway and freight delivery by winter sealift is a development on which Nunavummiut deserve to be fully engaged. However, this engagement cannot happen until the review

processes provided for in the Nunavut Agreement and *NuPPAA* commence, beginning with the amendment of the NBRLUP.

Understanding that all parties are still adapting to the new *NuPPAA*-legislated framework for project approvals, the Government of Nunavut remains confident in the ability of the IPGs to conduct full, transparent, inclusive, and prompt reviews for the benefit of Nunavummiut. We look forward to working with the Commission on subsequent stages of this amendment process.

Thank you for your attention to this matter.

Sincerely,



David Akeeagok

Deputy Minister  
Department of Environment  
Government of Nunavut

  
John Hawkins

A/Deputy Minister  
Department of Economic Development  
and Transportation  
Government of Nunavut

Cc: Honourable Minister Savikataaq, Government of Nunavut  
Honourable Minister Ell-Kanayuk, Government of Nunavut  
James T Arreak, CEO, NTI  
Stephen Van Dine, ADM Northern Affairs Organization, INAC  
Navarana Beveridge, Executive Director, Qikiqtani Inuit Association  
Paul Emingak, Executive Director, Kitikmeot Inuit Association  
Gabriel Karlik, Executive Director, Kivalliq Inuit Association  
Mr. Todd Burlingame, Baffinland



April 28, 2017

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*Sent via: <sehaloak@nunavut.ca>*

CC: DFO, NBLUP, NIRC, INAC, QIA, NTI

RE: NBLUP, NIRC, INAC, QIA, NTI

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