



September 26, 2017

Mr. Stephen Williamson Bathory
Director Major Projects
Qikiqtani Inuit Association
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**Re: Baffinland Response to QIA Clarification Requests
Request to Amend the North Baffin Regional Land Use Plan (NBRLUP)**

On August 31, 2017, the Nunavut Planning Commission (NPC) issued a request for comments on the proposed North Baffin Regional Land Use Plan (NBRLUP) Amendment proposed by Baffinland Iron Mines Corporation (Baffinland). Baffinland is proposing under section 59 (1) of the Nunavut Planning and Project Assessment Act (NuPPA) an amendment to the existing Milne Inlet Tote Road and Marine Transportation Corridor (Appendix Q of the NBRLUP) to ensure that the proposed activities are consistent with approved planning policies and objectives of the Nunavut Agreement and the NBRLUP. Specifically, Baffinland proposes to amend Appendix Q to provide for transportation by rail through the corridor and to have the ability to conduct winter sea lifts of freight from December 01 through February 28 annually with a maximum of two (2) events during this period.

On September 8, 2017, the Qikiqtani Inuit Association (QIA) submitted a letter requesting clarification on the proposed Amendment in order to facilitate QIA's ability to develop and submit comments to NPC. The attached table of QIA Clarification Questions and Baffinland Responses provides additional information and clarifications on the identified issues. As noted in the responses, more detailed information will be available for review and discussion during the comprehensive environmental and socio-economic impacts assessment process administered by the Nunavut Impact Review Board (NIRB) if the proposal were to advance to that stage.

If you require any additional information or clarification on the proposed Amendment, please don't hesitate to contact the undersigned.

Sincerely

A handwritten signature in black ink, appearing to read "T. Burlingame".

Todd Burlingame
VP Sustainable Development

cc. Mr. P.J. Akeeagok, QIA
Mr. Tommy Owljoot, NPC
Mr. Goump Djalouge, NPC
Mr. Jaykolassie Killiktee, Chairperson, MHTO
Mr. Joshua Katsak, Mayor, Pond Inlet
Mr. Brian Penney, Baffinland

Attachment: Table of Baffinland Responses to QIA Clarification Requests

Table of Baffinland Responses to QIA Clarification Requests

#	QIA Clarification Request	Baffinland Response
1	<p>The Proposal describes the need for winter sealift using ice breaking as being limited to delivery of freight. Can BIMC please clarify which of the following activities are contemplated for an under the proposed Amendment.</p> <ul style="list-style-type: none"> a) Winter transportation of project equipment, materials and consumables. b) Winter transportation of fuel c) Winter transportation of ore d) Winter transportation of hazardous goods 	<p>Baffinland confirms that the activities currently contemplated for winter sea lift using ice breaking would include only the winter transportation of project equipment, materials and consumables.</p> <p>Any future activities along the Transportation Corridor by Baffinland or others would require additional NPC and NIRB approvals.</p>
2	<p>The Proposal describes the need for winter shipping as being “if required to support on-going operations”. This seems to suggest that winter shipping would not be the norm. Can BIMC please describe the intention of “if required”? Under what circumstances might BIMC decide support for on-going operations would require a winter sealift?</p>	<p>Should unforeseen circumstance occur during the construction and operation approval for a winter sea lift using ice breaking would be sought to allow for the delivery of vital cargo. This cargo would be limited to time sensitive, large equipment and materials and consumables. Baffinland intends to seek approval to have the option to bring in a winter sea lift of freight during the winter of 2018 to support ongoing operations if required.</p>
3	<p>Does BIMC foresee winter sealifts as occurring on an annual basis, i.e. would the general operation of the project rely upon winter sealifts, or, are winter sealifts contemplated on an “as-and-when needed” basis. The proposed Amendment seems to suggest infrequent and irregular use of the proposed corridor for winter sealifts. Can BIMC better estimate the likely frequency and use of the proposed corridor?</p>	<p>Winter sealifts would be requested on an “as-and-when needed” basis. See Baffinland Response 2 above.</p>
4	<p>The Proposal, under section 5.5.1.2, references a 10km as the “transportation corridor concept indicated by the Nunavut Planning Commission (NPC) in its Draft Nunavut Land Use Plan (NPC, 2016)”. Can BIMC confirm if the NPC has indicated whether this “concept” applies to the existing transportation corridor listed under Appendix Q of the NBRLUP? QIA is unclear whether this 10km reference is simply a potential concept raised for discussion by NPC, and which may be unrelated to the existing corridor listed in NBRLUP, Appendix Q.</p>	<p>The Nunavut Agreement and the NBRLUP define a Transportation Corridor along the Tote Road but do not provide exact dimensions of the corridor. In order to provide more clarity to the NBRLUP definition of the Tote Road, Baffinland has proposed using the definition of a Transportation Corridor in the draft NLUP which has already been considered by parties in Nunavut through the on-going consultation on the draft NLUP. It has been raised for discussion only and has not been approved by NPC.</p>

#	QIA Clarification Request	Baffinland Response
5	<p>The development of a railway is presented as a key component of the both the Proposal and proposed Amendment. Can BIMC confirm whether the railway will be developed upon the existing tote road surface, or, if the railway will be a structure separate from the existing Tote Road.</p>	<p>The proposed design approach is to maintain the Tote Road as a separate route for both public access as well as for the transportation of people and service vehicles to support the Baffinland Operations. In order to optimize rail construction and maintain a level grade along the rail line, the railway may cross the Tote Road, run parallel to the Tote Road or deviate from the Tote Road. More detailed design information will be available for review and discussion when the Environmental Impact Statement (EIS) is submitted to the NIRB.</p>
6	<p>The Proposal, under section 4.1, presents a summary of Phase II Engagement Activities. The Proposal also presents a series of summaries from these engagements, example Table 4.1. Can BIMC confirm whether the Proposal should be relied upon as the primary document describing key community concerns identified in relation to the Phase II project? Are there other source documents that identify the results of engagement activities? For instance QIA has also reviewed received a copy of BIMC's IQ Report which described efforts to collect and apply Inuit Qaujimajatuqangit.</p>	<p>The summary of engagement provided in the Project Proposal provided an overview of engagement activities for the Phase 2 Expansion project with a specific focus on the issues of the NBRLUP and requested Conformity Determination. Consultation with the communities is on-going and additional details (including Inuit Qaujimajatuqangit) will be provided in the EIS submission.</p>

#	QIA Clarification Request	Baffinland Response
7	<p>Having participated in workshops described under section 4.2 of the Proposal, and, documented in the BIMC IQ Report QIA is aware of five key community concerns that have been raised in relation to the transportation elements of the Proposal; avoidance of ice-breaking during ice establishment, a preference toward using Navy Board Inlet as a winter shipping route (as opposed to Eclipse Sound), avoidance of shipping during times of sensitivity for seals, avoidance of icebreaking during times of high sea ice use by community members, mitigation measures to allow for safety of travel prior to and following icebreaking events. Can BIMC please clarify where the Proposal and the proposed Amendment address each of these key community concerns.</p>	<p>Baffinland has been addressing these concerns through on-going consultation with the local communities and modification of the Project Proposal to minimize impacts to traditional use of the ice. Most importantly by changing the shipping strategy for Phase 2 to eliminate winter ore shipping and focus on shipping during open water. To address the specific concerns raised by QIA;</p> <ol style="list-style-type: none"> 1) Baffinland has committed to work with the Pond Inlet HTO on scheduling of winter shipping as required to minimize impacts to traditional use of the ice; 2) Use of Navy Board inlet is currently restricted by the NBRLUP which does not include a transportation corridor through Navy Board Inlet. 3) The winter resupply schedule was changed to avoid shipping in March to avoid important seal denning and harvesting dates based on input from the Pond Inlet HTO 4) As above, Baffinland has committed to work with the Pond Inlet HTO on scheduling of winter shipping as required to minimize impacts to traditional use of the ice 5) The Project Proposal identified the use of ice bridges and other mitigation measures to allow safe travel prior to and following icebreaking. <p>Details on issues, concerns and proposed mitigation will be provided in detail in the EIS submission to NIRB.</p>

#	QIA Clarification Request	Baffinland Response
8	<p>Appendix J of the NBRLUP requests that an applicant provide the NPC with a prescribed list of information to support consideration of a transportation corridor. Does BIMC believe that all information as required under Appendix J are contained within the Proposal and the proposed Amendment? Should other documents be considered, and if so for what purpose? For example, QIA is aware that shipping route alternatives were presented by community members and have been discussed since 2014 yet this topic is only briefly mentioned in the Proposal. Information relating to environmental, social, cost considerations does not seem to appear at all in the Proposal and Application.</p>	<p>Baffinland is not seeking to establish a new transportation corridor. Baffinland is requesting an amendment to the definition of an existing Transportation Corridor to allow addition modes of transportation and activities. As such, Appendix J does not directly apply to the proposed amendment.</p> <p>Baffinland provided additional details regarding the use of the existing transportation corridor in the Amendment application (Attachment #1, Response to NPC Request for Additional Information, Section 2).</p>
9	<p>The Proposal suggests “the ore shipping season is proposed to be from July 01 to November 15, but would be adapted annually in consultation with the Pond Inlet Hunters and Trapper Organization (HTO) based on ice conditions and thickness. The proposed Amendment suggests winter sealifts will only occur between December and February. The Can BIMC clarify the following:</p> <ul style="list-style-type: none"> a) Should the proposed Amendment and Proposal be understood to mean that icebreaking will only take place after taking the views of the HTO into consideration? b) Should the proposed Amendment and Proposal be understood to mean that icebreaking will not occur during times of ice establishment? c) Should the proposed Amendment and Proposal be understood to mean that icebreaking will not occur prior to break-up? d) Is icebreaking only contemplated during the time period between December and February? e) Is icebreaking only contemplated in relation to shipments of freight? 	<p>Baffinland can clarify for the Phase 2 Project Proposal that:</p> <ul style="list-style-type: none"> a) Yes, Baffinland will continue to consult with the Pond Inlet HTO on timing and mitigation during a winter sealift b) Yes, shipment of ore will stop on or before November 15th depending on the ice formation and use of the ice by the community. Winter resupply will not start until later in December, January or February once ice is established c) Yes, there will be no ice breaking prior to ice break-up. Ice management may be used to move ice out of the shipping lane and ensure safe movement of ore vessels. No ice management will occur until the Pond Inlet HTO confirms that the community is no longer using the ice for transportation, d) Yes, ice-breaking will be limited to December through February as proposed e) Yes, Ice breaking will be limited to the resupply of freight and supplies.

#	QIA Clarification Request	Baffinland Response
10	<p>The proposed language in Part 2 of the proposed Amendment if read on its own, suggests a broad interpretation could be taken as to what “the marine corridor may be used for shipments of freight by winter sealift through ice during the months of December, January and February.” Can BIMC confirm that a broad interpretation is not intended and is to be read in conjunction with defined limitations (to be clarified) to the requested use that is proposed in the proposed Amendment and Proposal and described in the Proposal?</p>	<p>Land Use Plans are generally broad in their language to allow for flexibility in future use of regions or transportation corridors. Once the Amendment is in place, any specific use of the Transportation Corridor by Baffinland or others will be managed through the NPC Conformity Determination Process and the NIRB Project Approval Process.</p>
11	<p>The Proposal includes a general description of the activities contemplated for the Phase II, with the proposed Amendment presumed to be designed to align with the activities proposed. Can BIMC confirm that the proposed Amendment is definitely NOT designed to permit uses to accommodate the following activities, which are notably not included in the Proposal:</p> <ul style="list-style-type: none"> a) Increasing frequency of icebreaking in December-February. b) Increasing the length of general shipping season (i.e. that winter shipping would be irregular and infrequent rather than used to lengthen the shipping season). c) Expanding the use of icebreakers. d) Expanding the proposed “freight” only for winter sealifts, to also include <ul style="list-style-type: none"> a. Shipping hazardous materials b. Shipping out iron ore c. Shipping fuel e) Ice management at locations other than Milne Port f) Trans-shipping outside the marine corridor g) Multiple anchorage locations outside the marine corridor 	<p>Both the Proposed Phase 2 amendment and the proposed NBRLUP Amendment DO seek to allow:</p> <ul style="list-style-type: none"> • Ice breaking associated with winter sea lift but not for the shipment of iron ore (December to February) • Increasing the length of general shipping season for iron ore to be between July 1st and November 15th • Ice management during the shipping season within the marine corridor from Milne Port to Eclipse Sound depending on seasonal ice locations. <p>Current proposed activities DO NOT include:</p> <ul style="list-style-type: none"> • Expanding the proposed “freight” for winter sealifts, to also include <ul style="list-style-type: none"> ○ Shipping hazardous materials ○ Shipping out iron ore ○ Shipping fuel • Trans-shipping of iron ore outside the marine corridor • Multiple anchorage locations outside the marine corridor