



October 23, 2017

Dear participants,

RE: Nunavut Planning Commission (NPC) Response to Written Submissions on Draft Public Hearing Agenda for Baffinland Iron Mines Corporation (BIMC) application to amend the North Baffin Regional Land Use Plan (NBRLUP), Notice of New Dates of Public Hearing, Proposed Issues for Comment, and Participant Funding Requests

On October 6, 2017 the Commissioners met and reviewed public comments received from participants and directed that a public oral hearing be held in Pond Inlet. The NPC issued a notice of public hearing to participants on October 13, 2017 with a draft agenda, inviting participants to comment, and posted the notice and draft agenda on its website. The NPC reviewed written comments on the NPC's notice and agenda submitted by the October 17, 2017 deadline. The NPC summarizes these submissions as follows:

Qikiqtani Inuit Association (QIA):

- Providing further detail how substantive matters that arise in the hearings will be addressed
- Holding a pre-hearing conference to consider:
 - preparing a list of issues in question
 - confirming participation of participants in the hearing
 - determining the position of participants
 - setting a timetable for the exchange of documents and information requests prior to the hearing, and
 - addressing any other matters.
- Considering the following issues in the review:
 - whether or not development of the existing marine corridor to include winter use and ice-breaking will require NPC to consider adequate evidence as to alternate route assessments
 - whether due to activities proposed an additional winter specific transportation corridor can be examined by the NPC in the review
 - reexamining caribou protection measures in the context of the application following an NPC decision on amending the NBRLUP
 - whether the participants can agree to alternative wording to be submitted to the NPC prior to the hearings

Government of Nunavut (GN):

- Request that the NPC combine certain agenda items to save time and focus the hearing on the application, specifically:
 - for agenda item 3, provide an overview of the overall project approval process;
 - combine agenda items 7 and 5 to reduce duplication of introductory statements by participants;
 - make agenda item 10 a component of agenda items 8 and 9 to ensure the proposed amendment text remains a primary focus; and
 - preface agenda items 8 and 9 with relevant excerpts in the NBRLUP, e.g. specific reference to NBRLUP Appendix K (3rd bullet) and Appendix Q (bullets 5-8), as well as the NPC staff recommendations (c. ii and iii) in the Amendment 3 Executive Director Report.

Government of Canada (GOC):

- Anticipating some community members may only be available to attend the public hearing in the evening, the tentative evening session on December 5 be a scheduled item for the hearing and opened to comments on any of the topics on which NPC is seeking input.
- Allocating more time to the discussion on the proposed wording of the amendment (Item #10 on the agenda). The proposed revisions of the wording to Appendix Q bears direct and substantial implications on the NBRLUP, which warrants more time to gather the necessary input to enable an informed decision.

The NPC hereby notifies participants of the following changes:

- **Participants are requested to submit any information requests to BIMC on or before October 26, 2017.**
- **BIMC is requested to respond to any information requests on or before November 6, 2017, or inform the NPC of when that information will be provided.**
- **The dates of the public hearing are changing to December 4 and 5, 2017, and a public notice and revised agenda will be distributed in the near future.**
- The NPC has prepared a preliminary list of issues based on the written submissions received from participants, enclosed with this letter – a final list will be distributed with a public notice at the end of the month;
- The NPC will be making revisions to the hearing agenda as follows:
 - Agenda item # 3 will include a staff overview of the overall project approval process as suggested by the GN;
 - Agenda items #8 and 9 will be prefaced with relevant excerpts from the NBRLUP and recommendations in the Executive Director's report and include discussion on the wording of the amendment as suggested by the GN,
 - Agenda item #10 will be a final opportunity for participants to comment on, and potentially agree upon, any proposed revisions to the wording of the amendment the Commissioners may make after the public hearing, thereby increasing the total amount of time provided to discuss the wording as requested by the GOC.
 - The evening session will be a scheduled agenda item as requested by the GOC, where NPC will provide a brief overview of the process and issues for context, and the public will be given an opportunity to provide comments on any issue.. The public will be given an opportunity to present their comments up to the end of the public hearing.

In respect of QIA's reasons for requesting a PHC, the NPC will not be scheduling an in-person pre-

hearing conference. The NPC notes:

- Written submissions have already been filed and the positions of many of the parties on many of the issues are already known;
- QIA made an information request of BIMC in September, and any participant who wishes to request more information relevant to the hearing may do so at any time (recognizing that an information request that cannot be fulfilled prior to the hearing may result in the need for a written post-hearing process);
- Participants may collaborate with one another prior to the hearings to present a joint submission to the NPC on making revisions to the wording of the proposed amendment, and are free to change their minds on the amendment application prior to their closing submissions at the end of the hearing. Consequently, determining participants' positions at a pre-hearing conference does not seem necessary at this time, and may hinder collaborative approaches to the amendment; and
- The Rules of Procedure for Public Hearings and Public Reviews (RPHPR) require 30 days notice prior to holding a pre-hearing conference, meaning that unless that period is varied, important decisions would be deferred until mid-November.

The NPC received an inquiry regarding participant funding. As you know, the NPC, as an institution of public government established under the Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada, May 25, 1993 (Nunavut Agreement), receives "Core" funding from the GOC pursuant to a Funding Agreement that requires the NPC to submit annual workplans for approval before it receives funding for its next fiscal year. Public reviews of amendment applications are driven by parties other than the NPC. On August 4, 2017 the GOC denied the NPC's request for supplementary funding for the public hearing of the amendment application. Consequently, the NPC cannot provide funding to participants to retain experts, interpret documents, prepare submissions, or to otherwise participate in the hearings. The NPC therefore encourages all participants in need of participant funding to contact the GOC directly:

Indigenous and Northern Affairs Canada
Nunavut Regional Office (NRO)
PO Box 2200, Iqaluit NU, X0A 0H0
Tel: 1-800-567-9604 (English and in French)
Tel: 867-975-4500 (English and in Inuktitut)
Fax: 867-975-4560
E-mail: nuinfo@aadnc-aadnc.gc.ca

The NPC welcomes written feedback on the enclosed list of issues by **noon (12 pm) Eastern Time on Wednesday October 25, 2017**. A public notice will be issued October 27, 2017 including a link to the final list of issues which will be posted on the NPC's website.

Sincerely,



Sharon Ehloak, Executive Director
Nunavut Planning Commission

NUNAVUT PLANNING COMMISSION

PROPOSED LIST OF ISSUES FOR PUBLIC HEARING ON NORTH BAFFIN REGIONAL LAND USE PLAN AMENDMENT APPLICATION BY BAFFINLAND IRON MINES CORPORATION [NBRLUP AMENDMENT #3]

Date: October 23, 2017

Based on the BIMC application to amend the NBRLUP and written submissions of participants, the Nunavut Planning Commission (NPC) proposes the following draft list of issues to be addressed at the public hearing:

1. Adequacy of consultations, translations of documents;
2. Whether Appendix J needs to be met, and if so, whether it has been met (including but not limited to consideration of alternative routes, environmental and social impacts, and cumulative impacts assessment);
3. Whether Appendix K needs to be met, and if so, whether it has been met (including but not limited to impacts on community lifestyles, safety, travel routes, costs; topography, soil, permafrost and wildlife impacts; key habitats and areas of cultural and archaeological concern);
4. Whether amendment for icebreaking consistent with NBRLUP sections 3.2.1 and 3.3.1, or whether consequential amendments to Appendix Q, or sections 3.2.1 and 3.3.1 are required;
5. Whether wording changes to the proposed amendment are required, including whether the NBRLUP should allow the breaking of ice, or alternatively, more clearly prohibit it;
6. Whether Caribou Protection Measures need to be reviewed in amendment public review or prior to conformity determination;
7. Whether the amendment is consistent with Nunavut Agreement, *Nunavut Planning and Project Assessment Act*, and NPC's broad planning policies, objectives and goals;
8. Implications of forthcoming Nunavut Land Use Plan and National Marine Conservation Area;
9. Clarification of NPC role and process prior to impact assessment by NIRB; and
10. Whether NPC should create multi-modal transportation corridors, avoid overly-restrictive approaches to marine transportation and resist project-specific regulation.

Participants are invited to make comments on this proposed list of issues on or before **noon (12 pm) Eastern Time on Friday October 25, 2017**. Comments may be made in writing or by telephone by contacting:

- Goump Djalogue, gdjalogue@nunavut.ca, Nunavut Planning Commission, P.O. Box 1797, Iqaluit, NU X0C 0H0; Phone: (867) 979-3444 | Fax: (867) 979-3444; or
- Brian Aglukark, aglukark@nunavut.ca, Nunavut Planning Commission, P.O. Box 419 Arviat, NU X0C 0E0 Phone: (867) 857-2242 | Fax: (867) 857-2243