

Amendment Number 1 to the North Baffin Regional Land Use Plan

The Undersigned, are pleased to approve, on behalf of the Designated Inuit Organization, Government of Canada and the Government of Nunavut, Amendment Number 1 to the North Baffin Regional Land Use Plan which is effective as of _____.

Aluki Kotierk, President
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The Honourable Dominic LeBlanc
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House of Commons, Ottawa, ON K1A 0A6

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ARTICLE 1. BACKGROUND

1.1 Introduction

Part 1 is provided for background and information purposes only and does not form part of the Amendment.

1.2 Purpose

The purpose of this Amendment is to include a new transportation corridor in the North Baffin Regional Land Use Plan (NBRLUP).

The new transportation corridor reflects the transportation corridor proposed as part of NPC File Baffinland Mary River Project INAC File # N2008T0014, QIA File #LUA-2008-008 DFO 2008 MR -NWB File# 2AM-MRY and is further described in Baffinland Iron Mines Corporation Mary River Project Final Environmental Statement February 2012, and as approved by Nunavut Impact Review Board Project Certificate No. 005.

1.3 Location

The lands generally located south east of Mary River, North Baffin Island, 1000km north of Iqaluit, 160km south of Pond Inlet and described as the line commencing 71.3N-79.22W and running generally south-east approximately 34 kilometres to 71.13N-78.46W and as more specifically described on Schedule "A" of the Amendment.

1.4 Basis

The NBRLUP provides the NPC the option to recommend an amendment to the NBRLUP to include a new transportation corridor where the NPC has determined that a corridor;

- minimises negative impacts on community lifestyles;
- improves access to other resources having high potential for development, while still maintaining the shortest practicable distance between the primary resource areas and the trans-shipment location;
- has been designed in accordance with existing and prospective land use capability including topography, soil, permafrost and wildlife;
- has been designed in accordance with the availability of granular supplies;
- does not negatively impact community business, residential and projected expansion areas;
- does not negatively impact important fish and wildlife harvesting areas;

- does not impact key habitat for fish and wildlife species, especially areas used by endangered species; and
- does not impact high scenic, historic, cultural and archaeological value.

The NPC determined that the proposed transportation corridor for the Mary River Iron Ore Project, consisting a portion of railway and service road connecting the mine site with Steensby Port, and as further described in the Baffinland Iron Mines Corporation Mary River Project Final Environmental Impact Statement February 2012 and as approved by Nunavut Impact Review Board Project Certificate No. 005 meets the above guidelines and that

- Pursuant to section 3.5.12 of the NBRLUP the NPC considers it appropriate to amend the NBRLUP to reflect the new transportation corridor. By amending the NBRLUP to identify the new transportation corridor, environmental and social disturbances will be confined to a specific and defined area, limiting, as far as possible, the geographic area involved in disturbances; and
- By amending the NBRLUP to identify the new transportation corridor, clarity, certainty and direction will be provided for other possible communication and transportation initiatives and/or systems in the Region.

ARTICLE 2. THE AMENDMENT

Amendment No. 1 Mary River Mine Site Transportation Corridor

2.1 Introduction

The following text and the attached schedule designated as Schedule "A" constitute Amendment No. 1 to the North Baffin Regional Land Use Plan.

2.2 Details of the Amendment

The North Baffin Regional Land Use Plan is amended as follows;

- 2.2.1. Appendix "●" is added after Appendix "●" in the North Baffin Regional Land Use Plan.

Appendix "●"

The lands generally located south east of Mary River, North Baffin Island, 1000km north of Iqaluit, 160km south of Pond Inlet and described as the line commencing 71.3N-79.22W and running generally south-east approximately 34 kilometres to 71.13N-78.46W and as more specifically described on Schedule "A" of the Amendment may be used for the purpose of development of a transportation corridor in accordance with the following provisions

- A transportation corridor, for the purposes of this Amendment, includes a railway and service road, as well as any infrastructure and support facilities, including camps, quarries, terminals, loading and unloading facilities and any other related systems associated with a railway and service road, and as outlined in the application for Amendment. It may also include other roads (winter or permanent), a pipeline, transmission lines and other infrastructure associated with the safe communication and movement of goods and/or information from the Mary Rive Mine Site, as proposed as part of NPC File Baffinland Mary River Project INAC File# N2008T0014, QIA File #LUA-2008-008 DFO - 2008 MR - NWB File # 2AM-MRY and is further described in Mary River Project Final Environmental Impact Statement February 2012 and as approved by Nunavut Impact Review Board Project Certificate No. 005, and as approved by Nunavut Impact Review Board Project Certificate No. 005 and which may include:
 - railways, including rail embankments, railway ties and rails, bridges, culverts, tunnels, railway crossings, signals, telecommunication facilities, piers, and piles, yards, terminals and service, fuel storage and storage facilities associated with the railway;
 - service roads as well as any infrastructure and support facilities, including camps, quarries, terminals, loading and unloading facilities and any other related systems associated with railway and service roads;

- other roads (winter or all weather), winter airstrips/icestrips, a pipeline, fuel storage, transmission lines; and
 - any other infrastructure required to ensure the safe operation and movement of trains to service the Mary River Project, or associated with the safe communication and movement of goods and/or information from or to the Mary River Project.
- The transportation corridor, for the purposes of the NBRLUP, may be used by any person for the purpose of transportation by road and rail including for the purpose of servicing the operation of the Mary River Mine Site and transporting iron ore from the Mary River Mine Site subject to the terms of this Amendment and the NBRLUP. Any industrial activity within the corridor shall be in accordance with the terms and conditions of any project certificates, permits, licences, or authorizations. Any incidental activities or regular maintenance associated with the upkeep or continued operation of the transportation corridor to ensure the safe operation of transportation-related infrastructure and activities will not require further review or amendment so long as otherwise not contrary to the terms of this Amendment and the NBRLUP.
 - All projects within the Mary River Transportation Corridor must conform to all applicable provisions of the NBRLUP.
 - Nothing in this Amendment will prevent or prohibit the public right of access for the purpose of transportation, as described in Schedule 21-2 of the Nunavut Agreement (NA), on the Inuit Owned Lands described in that Schedule.
 - Nothing in this Amendment will prevent or prohibit the use of the lands as described in this Amendment and as shown on Schedule "A" for the purpose of wildlife harvesting and/ or traditional activities carried out by residents of the Region.
 - Traditional activities may include hunting, fishing, camping and any other activity considered by residents to be important in maintaining a traditional lifestyle.
 - Nothing in the NBRLUP will prevent or prohibit navigation in the marine environment in accordance with existing international law and conventions, federal laws and regulations applicable to shipping and navigation, and the NA.
 - Except as expressly stated in this Amendment no new prohibitions are contained or proposed in this Amendment.

2.3 Implementation and Interpretation

For the purposes of road and rail projects proposed within the Mary River Mine Site Transportation Corridor, sections 3.5.11 and 3.5.12 of the North Baffin Regional Land Use Plan are considered satisfied, and no further applications to amend the plan for

development of a corridor are required for those modes of transportation. The implementation of this Amendment shall be consistent and in accordance with the Nunavut Agreement, the Nunavut Planning and Project Assessment Act (Canada) and NBRLUP.

The location of the transportation corridor as shown in the appended map is approximate. Minor adjustments shall not require a further amendment to the NBRLUP.

The interpretation and implementation of this Amendment shall be consistent with the paramount importance of safety of vessel, crew and the environment in accordance with existing international law and conventions, federal laws and regulations applicable to shipping and navigation.

SCHEDULE A TO APPENDIX ● AMENDMENT No. 1

