



March 4, 2016

Nunavut Planning Commission
P.O. Box 2101
Cambridge Bay, Nunavut X0B 0C0
Attn: Jonathan Savoy

Dear Sir,

Re: Baffinland Comments on Draft Nunavut Land Use Plan and Considerations

Thank you for the opportunity to provide our comments on the Draft Nunavut Land Use Plan (DNLUP). Baffinland has participated in each of the three technical meetings held by the NPC during 2015 and 2016. We have also reviewed the *"Considerations for Potential Refinements to the 2016 Draft Nunavut Land Use Plan"* circulated by the Nunavut Planning Commission in 2016 (the Considerations Document). We continue to be of the view that this initiative is of key importance to the future of Nunavut, and we will continue to fully participate in the planning process.

In addition to offering our general comments on the process to date, we have included our comments on several proposals reflected in the Considerations Document. Following the completion of the upcoming caribou and marine workshops this week, we may have follow up comments on the outcome of those discussions.

Issue: Special Management Areas/ Protected Areas

As a general comment, we heard several participants express the concern during the most recent NPC workshop that without adopting specific development prohibitions within the NLUP, the areas and values in question will "remain unprotected." In response to these comments Baffinland wishes to acknowledge the NIRB's role, which is currently working to protect Nunavut lands from the potential for negative effects that could result from development. The rigorous NIRB environmental assessment process (protected under the NLCA) currently provides an extremely high degree of protection against the potential for environmental and socioeconomic effects related to exploration and mining activities.

We believe the NIRB (and NWB) processes have a high degree of public confidence. Participants in the NIRB process include the Elders, designated and regional Inuit associations, HTOs, community members and representatives, federal and territorial governments as well as the project proponent. The process is very open to any group or individual which wishes to participate. IQ/TK is expressly incorporated as well as scientific data. The NIRB process explicitly requires proponents to undertake deep consultation with potentially impacted communities in order to help identify what areas are important before development occurs, and NIRB also carries out its own direct consultation with affected communities and ensures attendance by community representatives at public hearings. The NIRB process does not just consider the isolated project before the NIRB. Project proponents are required to present

information on cumulative effects and the NIRB is very careful to consider the potential effects of other permitted and proposed projects before they recommend whether a project should proceed.

It is important to understand that not every project that starts the NIRB process will be permitted to proceed. However, these processes afford everyone the opportunity to explore both the risks and benefits of a proposed development within the context of the values of the impacted community, Inuit and Nunavut. While it is not an easy process and requires a high level of commitment from all involved, Baffinland is of the view that the professionalism, expertise and value of the NIRB process must be respected.

Throughout the Considerations Document, there are anecdotal calls for increased Protected Area designation and the size of the areas would appear to be prohibitive. Based on the very limited technical and other information that has been provided to the NPC to date, we do not believe the first generation NLUP should be designed to prohibit project proposals from entering the NIRB process at the outset. While this may be an approach that is appropriate to consider in future revisions to the plan, or proposed specific amendments, Baffinland would have serious concerns if Protected Areas are established without the benefit of any significant environmental assessment or feasibility study.

A restrictive approach focused on specifically prohibiting NIRB consideration of economic activity would be a potentially significant issue for the long-term viability of the Nunavut Territory. Baffinland is concerned that it does not appear that the communities have been fully consulted about their opinions about severely restricting development in nearby areas. The future local economic consequences of these steps must be well understood by the impacted communities prior to incorporation in the NLUP. In Baffinland's own experience, local communities have emphasized that the environment must be protected and respected and that it represents the highest value. However, the communities have also indicated that they are willing to consider the merits of proposed developments within the framework of the NIRB environmental assessment process.

For all of these reasons, Baffinland support a co-operative multiple-use approach to development activity. Specific concerns can be raised during an environmental assessment process for any resource development and where appropriate, restrictions or limitations applied. In terms of the first generation NLUP, rather than prohibition, areas should be 'flagged' in the NLUP for specific consideration in the environmental assessment and project planning process. This "flag" would alert any potential developer, Inuit organizations and regulatory authorities to the issues and concerns raised in the Special Management or Protected Areas. Existing Protected Areas that already specifically prohibit development (such as parks) should remain as such.

In the North Baffin Regional Land Use Plan, land use is proposed as Essential and Important Areas. We would support the identification of such areas in the NLUP for the purposes of supporting the environmental assessment process. In addition to the current information it has directly gathered from the community through numerous visits, meetings and workshops, Baffinland has relied on the North Baffin Regional Land Use Plan as a resource in order to ensure that it is aware of all areas that the community members have identified as important.

Issue: Caribou

We noted with interest the proposed assignment of the various caribou habitat (calving, post calving, rutting, migration corridors, seasonal ranges) as Special Management Area/ Protected Areas designation.

As a project proponent, our experience is that these drastic measures are not necessary in order to ensure protection of this essential resource. It should not be assumed that resource development will cause adverse impacts and that development cannot co-exist with wildlife. Caribou protection measures with regards to helicopter use and all construction activities have been included in the North Baffin Regional Land Use Plan for many years and followed. Site specific caribou protection measures have more recently been developed in concert with the QIA during the environmental assessment process for the Mary River Project. The measures comply with NPC's North Baffin Regional Land Use Plan, providing further evidence that meaningful mitigations and avoidance techniques can be implemented alongside responsible resource development. The comprehensive environmental assessment procedures and follow up monitoring required under the NIRB process have provided good evidence that responsible resource development can proceed in a way that does not cause significant adverse effects to wildlife and more specifically to caribou.

Issue: Linear Infrastructure Corridors (Terrestrial)/ Linear Infrastructure Corridors (Marine)

The current approach in the DNLUP, which we understand would permit all transportation activity and infrastructure in all terrestrial and marine areas unless explicitly prohibited, has significant merit. The options presented in the Consideration Document would unnecessarily complicate this approach. We do not agree with imposing additional impediments to marine navigation and land and marine transportation infrastructure. As stated above, all proposals are subject to robust and public environmental assessments under the *Nunavut Land Claim Agreement* and NUPPAA. It is important to emphasise that even if project proposals are in conformity with the plan, this does not mean they will necessarily be permitted to proceed by NIRB. The environmental assessment stage should be the process where detailed baseline studies are examined and utilized to support environmental and socio-economic impact statements which can then be publically reviewed by all stakeholders who have a specific interest in that area.

In order to develop projects, proponents need a reasonable degree of certainty with respect to where development can take place in conformity with the plan. Clarity is essential, and the options presented in the Consideration Documents reduce clarity and certainty. The discovery of resources will drive the need for both marine and terrestrial transportation routes. Not unlike the Roads to Resources initiative commenced in the 1960s, building or designating corridors that have no current purpose (or only reflect current projects) would appear to be confused. Any infrastructure corridor which is established needs to be functional and this means that they are dependent upon development.

Shipping in open water and shipping in ice is a key component to resource development and has been performed in Canada's North and has been occurring for more than a decade without significant effect in both Nunavut and Nunatsiavut without any significant effects. Baffinland has identified mitigation measures that have been successfully applied in the Arctic environment and is confident that the NIRB process will provide a forum to thoroughly evaluate the various options.

As a note, while we are aware that the Canadian Coast Guard has proposed a marine transportation corridors initiative, we note this initiative is not intended to restrict shipping, and is specific to safety and reducing risk associated with Marine Transportation. The Arctic has minimal detailed bathymetry, virtually no navigation aids and limited emergency response capability, particularly in comparison to other Arctic countries. The Coast Guard Initiative is for transit through the Arctic waters and improved navigation.

For clarity, Baffinland is opposed to the concept of specifying specific land based corridors or “Marine Ice-Free Shipping Corridors, Marine on Ice-Transportation Corridors, Marine Utility Corridors, and Marine Icebreaking Corridors” within the NLUP. However, should NPC proceed with any approach which would restrict transportation by land or sea within Nunavut or would restrict transportation infrastructure, Baffinland wishes to ensure that the Mary River Project transportation routes are accurately reflected and included in the NLUP. Accordingly, Baffinland has provided with this submission shape files for the Northern and Southern all weather shipping routes (which include marine infrastructure as permitted by NIRB and other regulatory authorities) as well as the routes which allow for land-based transportation activities and infrastructure.

Issue: Areas of High Mineral Potential

Nunavut has had little resource exploration or development activity compared to other parts of Canada. Its geoscience database is limited and thus the definition of High Mineral Potential areas needs to be taken in context and other activities should not be prohibited but a multiple use focus needs to be put into place. The areas of High Mineral Potential will change and expand over time as improved data is gathered, information generated and knowledge built. Restricting exploration activity appears to be misguided given that the discovery of the ‘Lac des Gras’ diamond mines was in an area that had been previously thought to have low mineral potential.

Areas of High Mineral Potential can and should allow multiple-use activity and there would appear to be no reason for preventing tourism. Similarly to above, flagging these areas will alert non-resource developers to the potential activity and that certain restrictions or allowances may apply to the tourism development.

Our understanding is that NPC currently is planning to circulate a further revised DNLUP in April 2016. It is our hope that this revised draft takes into account our views as well as the views of other Nunavut proponents, does not include restrictions which are unsupported on the current technical evidence provided to NPC to date, and that the plan meets the high standards outlined in the NLCA and NPC’s own policies. As noted above, we may have additional comments for NPC’s consideration prior to the circulation of that draft. We look forward to continued engagement on this essential issue.

Regards,



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