



October 27, 2017

Dear Inuit elders, participants, and members of the public

**RE: Nunavut Planning Commission (NPC) Final List of Issues and Hearing Agenda for Public Hearing on North Baffin Regional Land Use Plan Amendment Application By Baffinland Iron Mines Corporation (BIMC) [NBRLUP Amendment #3]**

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On October 6, 2017 the Commissioners met and reviewed written 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.

On October 23, 2017 the NPC sent all registered participants in the Baffinland Iron Mines Corporation amendment application a letter enclosing a proposed list of issues. On October 24, 2017, Baffinland Iron Mines Corporation withdrew its application to amend the North Baffin Regional Land Use Plan to allow for winter sealifts of freight. On October 25, 2017, the Government of Canada and Qikiqtani Inuit Association provided feedback on the proposed list of issues.

Please find attached the final list of issues for the public hearing, and an agenda for the public hearing to be held Monday December 4 to Tuesday December 5, 2017, at the Community Hall in Pond Inlet, Nunavut.

Yours truly,

Sharon Ehaloak, Executive Director  
Nunavut Planning Commission

## NUNAVUT PLANNING COMMISSION

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

**Date:** October 27, 2017

The Nunavut Planning Commission (NPC) has been asked to consider an amendment to the NBRLUP to allow a railway to be built across, beside, and where necessary away from, the Milne Inlet Tote Road shown in Appendix Q of the NBRLUP.<sup>1</sup> The Commissioners will consider comments made at the public hearing to decide if BIMC's proposed amendment should be accepted or rejected as written, in whole or in part, or if revisions should be made before the amendment is sent to the Government of Canada, the Government of Nunavut, and the Designated Inuit Organization to approve amendments to the wording of the NBRLUP.<sup>2</sup> A portion of the public hearing is reserved for discussions on possible wording revisions to the proposed amendment.

To assist participants, elders and members of the public to focus their comments made at the public hearing, the NPC staff proposes the following list of issues to be discussed at the public hearing:

1. Anyone who wants to develop a transportation corridor must provide the information listed in Appendix J of the NBRLUP.<sup>3</sup> Based on the comments made in the public review and hearing, the NPC will decide:
  - a. if BIMC is required to provide the information listed in Appendix J if adding a new railway to an existing transportation corridor (road), and
  - b. if the answer is yes, has BIMC in fact provided that information?
2. Anyone who wants to develop a new transportation corridor must meet planning guidelines listed in Appendix K.<sup>4</sup> Based on the comments made in the public review and hearing, the NPC will decide:
  - a. if BIMC must follow the guidelines listed in Appendix K if adding a new railway to an existing transportation corridor (road),
  - b. if the answer is yes, has BIMC met those guidelines, and

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<sup>1</sup> On October 24, 2017 BIMC withdrew its request to amend Appendix Q of the NBRLUP to allow for winter sealifts of freight.

<sup>2</sup> The approving parties may themselves approve or reject the amendment and return it to the NPC for further revision.

<sup>3</sup> Appendix J of the NBRLUP requires information such as consideration of alternative routes, environmental and social impacts, and cumulative impacts assessment. This is a summary for reference only – please see Appendix J of the NBRLUP for specific wording.

<sup>4</sup> Appendix K of the NBRLUP sets planning guidelines including but not limited to: (1) the design of the width of the corridor based on facilities, conditions, engineering data, safety, and appearance (“aesthetics”); (2) minimizing impacts on community lifestyles, improving access to resources and maintaining short travel distances for resources, present and future land uses including physical features, soil, permafrost, and wildlife, and availability of granular supplies; and (3) meeting legal requirements including under the Nunavut Agreement, corridors must not negatively impact community areas, important fish and wildlife harvesting areas and habitat especially for endangered species, and areas of scenic, historical cultural and archaeological value. This is a summary for reference only – please see Appendix K of the NBRLUP for specific wording.

- c. does the NPC need to make a decision to determine the physical width of the existing corridor that is to safely encompass all components of compatible linear infrastructure within the corridor?
3. Is the proposed amendment consistent with Nunavut Agreement,<sup>5</sup> *Nunavut Planning and Project Assessment Act*,<sup>6</sup> and NPC's broad planning policies, objectives and goals,<sup>7</sup> or if not are revisions to the amendment required?
4. Do the Caribou Protection Measures in Appendix I of the NBRLUP need to be revised in connection with the proposed amendment of Appendix Q and prior to a conformity decision on the proposal to construct the railway,<sup>8</sup> and if so, what revisions are necessary or advisable?
5. Should the NPC create corridors that allow proponents to carry out any type (or "mode") of transportation project, and avoid restricting transportation by any project proponent?
6. Will the addition of a proposed railway (a "multi-modal" use) to the existing transportation corridor in Appendix Q:
  - a. unduly interfere with the existing public right of access for the purpose of transportation to the Milne Inlet Tote Road easement under the Nunavut Agreement,<sup>9</sup> or not, and
  - b. are the proposed "multi-modal" uses (road and rail) compatible pieces of linear infrastructure within the corridor together with a public easement?

Note the list is written in plain language for ease of use, and the wording of the NBRLUP itself, and other documents and legislation referred to, should be consulted.

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<sup>5</sup> Including but not limited to Nunavut Agreement s. 11.2.1, 11.2.3, 11.3.1, and 11.3.2.

<sup>6</sup> Including but not limited to Nunavut Planning and Project Assessment Act s. 15, 41, 47, 48.

<sup>7</sup> See Nunavut Planning Commission, *Broad Planning Policies, Objectives and Goals (2007)*, available online: <<http://www.nunavut.ca>> (Goal 1 - Strengthening Partnership and Institutions; Goal 2 - Protecting and Sustaining the Environment; Goal 3 - Encouraging Conservation Planning; Goal 4 - Building Healthy Communities; Goal 5 - Encouraging Sustainable Economic Development)

<sup>8</sup> See e.g. NBRLUP s. 3.3.1, 3.3.7 (prohibiting development activities in caribou calving areas during calving season, as well as caribou water crossings; and requiring project proponents to follow a Code of Good Conduct for Land Users in Appendix H and refers to Caribou Protection Measures in Appendix I), 3.4.4 (action item that Canada and QIA further develop caribou protection measures based on those suggested in Appendix I), and 3.3.7 (recommending as an action item the Qikiqtani Inuit Association and the Government of Canada implement the caribou protection measures in Appendix I of the NBRLUP). This is a summary for reference only – please see the NBRLUP for specific wording.

<sup>9</sup> See Article 21 of the Nunavut Agreement.



AGENDA FOR PUBLIC HEARING  
 REGARDING PROPOSED AMENDMENT TO THE  
 NORTH BAFFIN REGIONAL LAND USE PLAN  
 SUBMITTED BY BAFFINLAND IRON MINES CORPORATION

Monday December 4 – Tuesday December 5, 2017\*

Pond Inlet, Nunavut  
 Community Hall

**\* Note that all times herein are subject to change.**

Monday, December 4, 2017 9:00 am – 9:00 pm

9:00-9:15 (15 minutes)	<b>1. Opening Prayer, Housekeeping, Introduction of the Commission Members and staff, Review of Agenda</b>	Introductions
9:15-9:30 (15 minutes)	<b>2. Opening remarks by the Chairperson</b> <i>Objective: provide context for the Public Hearing.</i>	Information
9:30-10:00 (30 minutes)	<b>3. NPC Executive Director Summary</b> <i>Objective: Review Executive Director Report regarding the proposed amendment</i>	Information
10:00-10:15 (15 minutes)	<b>4. NPC staff summary of issues being considered</b> <i>Objective: Identify the issues that are being considered by Commissioners in relation to the proposed amendment.</i>	Information
15 minutes	<b>Break</b>	
10:30-11:15 (45 minutes)	<b>5. Introduction of participants</b> <i>Objective: Each participant to introduce themselves, including their name, organization, and a brief statement of interest</i>	Introductions
11:15-12:15 (60 minutes)	<b>6. Proponent overview of Proposed Amendment and Questions</b> <i>Objective: Opportunity for BIMC to present the proposed amendment (30 mins) and questioning of BIMC (30 mins).</i>	Information
12:15-1:30	<b>Lunch</b>	
1:30-3:00 (1.5 hr)	<b>7. Introductory general comments from the public and participants</b> <i>Objective: Provide a summary of views regarding the proposed amendment (10 mins each)</i>	Discussion

15 minutes	<b>Break</b>	
3:15-5:00 (1.75 hr)	<p><b>8. Comments from all participants and public regarding the terrestrial component of the amendment (railway), including questions from any participant to the Proponent or any other participant.</b></p> <p><i>Objective: Opportunity for discussion among all participants and public regarding the terrestrial component of the amendment, including discussion of the wording of the amendment. Discussion moderated by NPC Chairperson.</i></p>	Discussion
5:00-6:30	<b>Dinner</b>	
6:30-9:00 (2.5 hr)	<p><b>9. Public forum</b></p> <p><i>Objective: Opportunity for members of the public to provide comments on any issue being considered. NPC to provide brief overview of the process and issues for context.</i></p>	Discussion

Tuesday December 5, 2017 9:00 am – 3:15 pm

9:00 – 10:15 (1.25 hr)	<b>Continue #8.</b>	Discussion
15 minutes	<b>Break</b>	
10:30-12:15 (1.75 hour)	<p><b>10. Discussion of any proposed revisions to the wording of the amendment</b></p> <p><i>Objective: Opportunity for discussion of any proposed revisions to the wording of the amendment that may be submitted by any participant or the proponent.</i></p>	Discussion
12:15-1:45	<b>Lunch</b>	
1:45-3:15 (1.5 hr)	<p><b>11. Closing</b></p> <p><i>Objective: Opportunity for reply and closing statements from the proponent (30 mins), closing statements by participants (10 mins each), closing remarks by the Commission (15 mins), and closing prayer.</i></p>	Closing