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May 20, 2015

The Honourable Bernard Valcourt, Minister  
Aboriginal Affairs and Northern Development Canada  
Executive Offices  
10 Wellington Street  
Gatineau, Quebec K1A 0H4

Via E-mail:

Hunter Tootoo, Chairperson  
Nunavut Planning Commission  
P.O. Box 2101  
Cambridge Bay, Nunavut X0B 0C0

Via E-mail:

Minister Valcourt and Chairperson Tootoo,

Since the Nunavut Planning Commission (NPC) issued a negative conformity determination on Baffinland Iron Mines Corporation's (BIMC) Mary River Phase II Project (Phase II), I have had discussions with both of you, as well as Minister Leona Aglukkaq, Nunavut Premier Peter Taptuna, BIMC President Tom Paddon, and Pond Inlet Mayor Charlie Inuarak regarding the potential options for BIMC put forth by the NPC. In these discussions I have consistently emphasized my support for seeking an amendment to the North Baffin Regional Land use Plan (NBRLUP). My primary interest in this position is to allow the greatest possible public involvement in the decision making process consistent with the mandate of the NPC, one of Nunavut's Institutions of Public Government (IPGs) created under the Nunavut Land Claims Agreement (NLCA).

NPC's May 5<sup>th</sup> response to BIMC's April 28<sup>th</sup> request for clarification on the amendment process appears to have effectively removed plan amendment as a feasible option for BIMC. The amendment process is outlined as a responsibility for the NPC within NLCA Article 11.6. The first and second amendment to the NBRLUP did not need prior budgetary approval and so it is questionable as to why this is now needed for BIMC.

I hold the IPGs in the highest regard and respect the roles that they are mandated to fulfill. It is therefore of utmost importance that NPC respond in a timely and fair manner, in accordance with the provisions of the NLCA. I am concerned that NPC's response to BIMC does not allow an



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amendment to proceed in a reasonable manner and I find this circumstance to be contrary to the spirit and intent of the NLCA.


I understand that public involvement was instrumental in the development of the NBRLUP, but in spite of this, and as evidenced by the May 6<sup>th</sup> letter to the NPC from the Hamlet of Pond Inlet, many community members feel that the NPC’s recent conformity decision was made without their participation or consent. I am aware that the NLCA allows land use plan exemptions in Article 11.5 and I also understand that public participation could be captured through review of Phase II by the Nunavut Impact Review Board should an exemption be granted. However, like the NPC’s conformity decision, the decision on exemption is made without the participation or consent of community members.

To this end, prior to making a decision on whether to exempt Phase II from the NBRLUP, I would invite both of you to attend a community meeting with me in Pond Inlet (Mittimatalik) to discuss the NPC’s decisions, the options for BIMC as presented by NPC in the negative conformity determination, and the concerns of the community as they relate to Phase II of the Mary River Project.

Finally, QIA notes on March 28<sup>th</sup>, 2013 the Minister of Aboriginal Affairs and Northern Development issued a letter to NIRB directing that the proposal for the Early Revenue Phase of the Mary River Project be reviewed pursuant to section 12.8.2 (b) of the NLCA. In this letter, the Minister called for an “expeditious and thorough” reconsideration of Project Certificate No. 5. In keeping with the spirit of the NLCA, I expect that any formal assessment of the proposed Phase II Project be clearly weighted towards a thorough review, rather than an expeditious one, especially if Phase II is granted exemption from the conditions of the NBRLUP. The Phase II Project presents a significant alteration to current Project plans and will require extensive review and consideration prior to formal decisions.

I will make myself available to both of you to further discuss these issues, and will work to accommodate your respective schedules in arranging the community meeting I’ve proposed.

I look forward to your response,

  
P.J. Akeegok,  
President





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**Qikiqtani Inuit Association**

CC:

- Cathie Towntongie, Nunavut Tunngavik Inc.
- Peter Taptuna, Government of Nunavut
- Johnny Mike, Government of Nunavut
- Leona Aglukkaq, Member of Parliament
- Ryan Barry, Nunavut Impact Review Board
- Charlie Inuarak, Hamlet of Pond Inlet
- Enookie Inuarak, Community Director

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