



## NUNAVUT PLANNING COMMISSION

### PUBLIC REVIEW—DIRECTIONS ON PROCEDURE

Pursuant to the Nunavut Planning Commission's (NPC) *Rules of Procedure for Public Hearings and Public Reviews (RPHPR)*, the NPC makes the following Directions on Procedure for its Public Review of the transportation corridor proposed as part of the Baffinland Iron Mine Corporations (BIMC) Early Revenue Phase (ERP) for the Mary River Project. The *RPHPR* provides for Directions on Procedure as follows:

- 4.1 Consistent with the Agreement and the broad application of the principles of natural justice and procedural fairness, the Commission shall give these rules such fair, large and liberal construction as best ensures the **just, expeditious and fair hearing of public reviews**.
- 4.2 Where any procedural matter relating to proceedings **is not provided for** in these rules, the Commission may at any time give directions governing the procedure to **supplement these rules** that it considers necessary for the fair determination of an issue.
- 4.3 **On its own initiative** ...the Commission may, with or without a hearing, **issue any direction on procedure to dispense with or vary any part of these rules that it considers necessary for the fair determination of an issue**.
- 4.4 Where there is a conflict between any rule and any direction on procedure issued by the Commission, **the direction on procedure prevails over the rule**.

Due to anticipated time constraints at the oral hearings to be held in the communities, the NPC considers it necessary to make the following Directions on Procedure for the fair determination of the following issues:

- Whether the ERP meets the information requirements of Appendices J and K of the North Baffin Regional Land Use Plan (NBRLUP), and
- Whether to recommend an amendment to the land use plan based on the factors referred to in Section 7 of the *RPHPR* including for the purposes of Rule 7.3(d), chapters 1 and 3 of the NBRLUP.

## Directions on Procedure for the Public Review of the ERP:

1. Whereas the Nunavut Impact Review Board (NIRB) has declined to act “jointly” in the public review oral hearings but will continue to participate in the public review proceedings, the *RPHPR* shall apply to the oral hearings of the public review conducted by the NPC alone, pursuant to Rule 3.1 of the *RPHPR* and for further clarity, the Rules shall also apply to the balance of the NPC’s public review.
2. The NPC directs that the Amendment Applicant, BIMC, has full standing as a party to the public review.
3. For the purpose of Rule 8.1, communications to the NPC will be accepted as received when addressed to Brian Aglukark, Director Regional Planning.
4. For the purpose of Rule 8.2, only originals of documents a participant intends to introduce as evidence must be subsequently provided to the NPC.
5. For the purpose of Rule 8.4, the NPC will accept e-mail.
6. Notwithstanding Rules 11.2 and 52.1, the public review period began on August 9, 2013.
7. For the purpose of Rule 11.1, the public record of the public review includes documents relating to the Amendment Application whether filed before or after August 9, 2013, including but not limited to technical submissions made to the NIRB that the NIRB informs the NPR are relevant to its public review.
8. For the purpose of Rule 13.1, the physical addresses and e-mails of the Commission at which documents may be filed is
  - a. Nunavut Planning Commission  
Attn.: Christopher Tickner  
P.O. Box 2101, Cambridge Bay, Nunavut X0B 0C0  
E-mail: ctickner@nunavut.ca, and
  - b. Nunavut Planning Commission  
Attn.: Brian Aglukark  
Arviat, NU X0C 0E0  
E-mail: aglukark@nunavut.ca
9. For “service” of documents on other participants, participants shall use the addresses for service provided by the NPC.
10. For the purpose of Rule 14.1, if a participant does not provide an e-mail address or fax number for service under Rule 14.2, documents may be “substitutionally served” on the Hamlet Office nearest to the participant’s mailing address if the participant serving documents notifies both the participant to be served and the Hamlet Office of an intention to do so and undertakes to pay any costs reasonable costs incurred by the Hamlet Office and other participants in reproducing and obtaining those documents.
11. Pursuant to Rules 19.1, 26.1, and 26.2, the NPC directs all “parties” described in Rule 2.2(u)(ii) to (vi), as well as the Amendment Applicant, to file with the NPC and serve on all “participants” any requests for further information and, to the extent possible written questions for other participants, by no later than 12:00 p.m. December 31, 2013.
12. For the purposes of Rules 23.11, 23.12 and 23.13, if a non-participant is unable to make comments at the oral hearing, or wishes to supplement their comments, the NPC will accept comments in writing until 5:00 p.m. on January 15, 2014, and the Amendment Applicant may reply to those comments separately or in its arguments filed under Rule 48.1 by 5:00 p.m. January 31, 2014.
13. For the purpose of Section 32, presentations by participants should be in plain language and the NPC will provide translation services for oral presentations to the extent reasonably possible. Participants intending to rely on written presentations shall:
  - a. to the extent reasonably possible, translate written presentations into English, Inuktitut, and French,
  - b. file written presentations with the NPC by no later than 12:00 p.m. December 31, 2013 which the NPC shall post on its website for participants and the public to review, and

- c. at the discretion of the participant, provide paper copies of the written presentation in each language for each community hearing.
14. Participants wishing to attend oral hearings and give evidence via teleconference:
  - a. must request the permission of the NPC to do so in writing,
  - b. must file comments, representations, and evidence in writing with the NPC by no later than 12:00 p.m. December 31, 2013, and
  - c. in the interest of a just, expeditious and fair hearing, shall be limited in the time allotted to their presentations and questioning of other participants at the discretion of the person presiding over the oral hearings.
15. Any participant unable to attend a hearing in person or by teleconference may file comments, representations, and evidence with the NPC in writing and serve these documents on all other participants by no later than 12:00 p.m. December 31, 2013, and the NPC will read these documents and enter this evidence on their behalf.
16. For the purposes of Rules 39.1 and 39.3, and notwithstanding the Notice of Public Review, First Amendment, unless otherwise specifically provided for in these Directions on Procedure, participants shall file documents and evidence to be relied on in the oral hearings with the NPC and serve on other participants by no later than 12:00 p.m. December 31, 2013.
17. For the purpose of Rule 48.1, all participants may file written arguments on the evidence heard by the NPC in the public review oral hearings by no later than 5:00 p.m. on January 31, 2014.
18. For the purpose of Rule 49.1, the record shall be closed at 5:00 p.m. on January 31, 2014, except for the NIRB's Final Report to the Minister and participants' submissions on that document, which will be considered by the NPC. Participants will have until 5:00 p.m. on the 7th day after the release of the NIRB's Final Report to make written arguments to the NPC to draw to the NPC's attention any parts of the NIRB Final Report they say are relevant to the NPC public review, and to make any further comments or representations thereon.
19. Unless otherwise directed, the NPC will accept evidence not given under oath.
20. For the purpose of Rule 45.1, if a participant wishes to call a witness to examine them in chief, the participant must notify the NPC and all participants by no later than 12:00 p.m. December 31, 2013 and provide a summary of expected evidence in numbered paragraphs.
21. For the purpose of Rule 46.1, if a participant wishes to cross-examine a witness, the participant must notify the NPC and all participants of this intention by at least 12:00 p.m. Friday January 3, 2014, referring to the numbered paragraphs of the summary of expected evidence they intend to cross-examine on, and provide a time estimate for cross-examination.
22. The NPC may impose reasonable limits on the scope and duration of presentations by participants, examination and cross-examination of witnesses in the oral hearings at the discretion of the person presiding over the hearing.
23. Where the word "Applicant" appears in the Rules listed below, it shall be read as referring to the "Amendment Applicant" as defined in Rule 2.2(d): Rule 10.4; Rule 11.1; Rule 11.5; Rule 11.6; Rule 23.13; Rule 32.7.
24. All times in this Direction on Procedure refer to Eastern Standard Time.