



Land Use Planning Options for Nunavut:

A Discussion Paper

Government of Nunavut

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Land Use Planning Options for Nunavut

SUMMARY

In January 2007, the Nunavut Planning Commission (NPC) provided the GN with a copy of its 10 Year Strategic Plan. This Plan provided the GN with an initial insight into new NPC thinking on how land use planning should be conducted in Nunavut. Subsequently, in June 2007 the GN received an information note from NPC that elaborated on its new approach, and indicated that NPC wished to replace the existing regional approach with a largely administrative territory-wide approach, to be implemented over an 8 year period. NPC staff cited a number of reasons for this proposed change, including limited organizational capacity, the need to implement 11.4.1(a) polices, goals and objectives, and NPC's aspiration to act as the 'one window' for all development proposals in the Territory.

The GN has undertaken a critical analysis of NPC's new approach, examining its rationale and proposing an alternative approach. The GN alternative endeavours to respond to NPC concerns without abandoning the regional approach and the regional land use plans that have already been approved or prepared.

The GN recognizes the challenges faced by NPC in developing more than one plan at a time, and believes that a significant short-term injection of financial and human resources by Government and a prioritization of NPC's internal resources towards regional planning is needed to expedite the completion of regional land use plans for the Territory. The approach set out in this paper proposes that NPC produce regional land use plans for the Kivalliq, Kitikmeot and Qikiqtaaluk regions and a Nunavut-wide plan over the next four-to-five years. Additionally, it recommends that, prior to approval of regional plans, the 11.4.1(a) document should be developed further to provide for a number of conformity requirements that would guide territory-wide development in the period until regional plans are approved. This would allow NPC to implement the 'one window' for all development proposals in Nunavut.

INTRODUCTION:

A recent review initiated by NPC concluded that responsibility for the organization's renewal and revitalization lies not only with the Commission but also with the Government of Canada, Government of Nunavut and NTI¹.

Article 11 of the NLCA gives government and Inuit a direct role in establishing the framework through which land use planning is carried out in Nunavut. This role includes the development, review and eventual approval of land use plans. In making the land use plans binding on government, the NLCA clearly contemplates and provides for their prior involvement in the development of those plans and the planning framework. NPC is also financially accountable to government and is required to prepare an annual budget that is subject to government review and approval.

Problems in how NPC and government work together go back at least as far as the development and approval of the Keewatin and North Baffin land use plans. The early failure to establish the overall framework by which land use plans are developed led to the GN's decision to withdraw from the West Kitikmeot land use planning process and any other processes until the NPC completed the requirement under NLCA Article 11.4.1a to establish broad land use planning policies, objectives and goals. That process is now near completion.

With a resumption of planning activities likely to occur in the near future, it is a good time for NPC, government and Inuit organizations to discuss next steps in the planning process. NPC has recently proposed an approach to planning that would see it stop working on region-specific plans and begin work on a Nunavut-wide plan, with the goal of completing it in 8 years, by 2015. This new approach was first put forward in NPC's 10 Year Strategic Plan and further refined in a June 18th information note from NPC staff.

The GN has expressed concerns about this approach to the NPC. Following a meeting with the NPC in April 2007, the GN was left with the understanding that the NPC intended to revise its 10 Year Strategic Plan based on comments received on the initial draft, and that it would not move forward with its new proposed approach to planning until the stakeholders had had a chance to discuss the various options for land use planning at a fall workshop.

Accordingly, the GN undertook to evaluate the NPC's approach and share with the 4 Parties of the working group its thoughts on an alternative that would respond to both NPC and GN concerns. Our comments are based on information provided by NPC in two key documents:

- NPC's 10 Year Strategic Plan
- A June 18 NPC memo sent by Adrian Boyd (NPC) to John Lamb (GN).

¹ Aarluk 2005 "Report from a Management Review of NPC Governance Policies and Procedures".
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GN COMMENTS ON NPC'S PROPOSED APPROACH

The GN has several concerns about the proposed NPC approach. In making the recommendations set out in this paper, an attempt has been made to address NPC's underlying rationale for proposing its new approach. The GN believes that the following recommendations would address both NPC and GN concerns, and hopes that the Parties can discuss the recommendations and alternatives set out here at the NPC's fall workshop.

1. Issue: "Top down" versus "bottom up" planning processes

A key element of NLCA Article 11, also reflected in the Implementation Contract, is the need for a community-based approach to planning. Such an approach was reflected in NPC's 2001 submission to the Nunavut Implementation Panel for funding to cover the 2003-2013 period.

Article 11 was drafted in such a way as to rectify problems with the land use planning structure inherited from the NWT, that was based on the *1983 Basis of an Agreement for Land Use Planning in the NWT*. One of the most fundamental concerns raised in this Agreement was the "top-down control" that INAC was felt to have exerted over the process, primarily because it controlled the purse strings and also because of the lack of regional planning capacity in the territorial government at the time.

The planning approach NPC is now proposing evolves from and reflects the "top down" policy framework currently being completed to meet the requirements of Article 11.4.1a. While it is quite appropriate for preparation of the planning framework required under 11.4.1a to be led by NPC, government and NTI, Article 11 clearly envisages a "bottom-up" community-based process for the development of actual land use plans.

This "bottom-up" process has formed the basis of most of the NPC's work to date, and informed the regional approach to planning the NPC has utilized up to now. This approach has produced the approved Keewatin and North Baffin land use plans and the draft South Baffin and West Kitikmeot plans. Additionally, the NPC has already completed a good deal of the work required for regional plans in Sanikiluaq and the Akuniq region of Nunavut.

Recommendation: NPC should follow a "bottom up" planning approach that incorporates strong community involvement and regional land use planning, as envisioned by the NLCA.

2. Issue: 8 year time frame

NPC has proposed an 8 year time frame to put in place a Nunavut Land Use Plan. The GN questions how the NPC can fulfil its responsibilities under NLCA Article 11 for conformity analysis for regions with no completed regional plans in place.

Mineral development is forging ahead in Nunavut without the necessary certainty over land management. Without regional land use plans in place, it is hard to see how the NPC can do conformity analyses on all land use proposals and fulfill its obligations for cumulative effects assessment.

Recommendation: To avoid a further 8 years elapsing before any land use plans are approved in the Territory, NPC should follow an accelerated approach under which first regional plans and then a territory-wide plan are developed on a shorter timeline.

3. Issue: NPC 's Capacity and Resources

The NPC has indicated that it *“has limited resources and does not have the capacity to conduct multiple simultaneous planning projects...”*. The GN generally accepts this assessment, but draws a different conclusion from it. The GN believes that, given the urgency of achieving completed plans, additional resources should be provided to enable NPC to carry out an accelerated land use planning process. The strong support being shown by the federal government in northern resource development and regulatory reform could provide a basis for seeking one-time federal funding, some of it perhaps outside of a Claim implementation framework, to help Nunavut undertake an accelerated land use planning program. Additionally, both the GN and the Government of Canada have staff and resources that could be made available to assist the NPC with this accelerated process.

In addition to increasing government support, the GN believes that there are some practical steps which NPC could take to re-prioritize its activities to free up internal resources. The NPC states that its 10-year Strategic Plan *“identifies all the determinants that will lead to the successful implementation of the first Nunavut-wide Land Use Plan”*. The GN believes that not all of the activities and budget outlined in the *10 year Strategic Plan* support NPC's goals, especially in the area of land use planning. The GN has relayed its concerns in this regard to the NPC this past spring and asked for parts of the Plan to be re-written.

In particular, completing regional land use plans for Nunavut should be the primary focus of NPC's Strategy and the allocation of its resources. While many of the NPC's activities are useful in themselves, there is often no clear link between the activities described and NPC's main function of producing land use plans.

The Nunavut Resource Centre, Planner and Nunamap are examples of constructive, positive initiatives whose true value over time will only increase. On the other hand, some activities such as the NPCWorks Internal Management System appear to be over-emphasized. The Canadian Holistic Arctic Reconnaissance Team (CHART) is extremely costly and the resources it would take up would be better spent on the core land use planning process.

Additionally, while maintaining its overall planning responsibility, the NPC could delegate certain tasks and activities to others and assume more of a coordinating role. For example, at least parts of the map biographies proposed in the 10 Year Plan could be assigned to community Land & Resource Committees, local HTOs or Regional Wildlife Organizations who will have the best knowledge of Inuit Qaujimagatuqangit, using a standard reporting structure and mapping framework developed by NPC staff. Although this would still require financial resources, the GN believes that NPC's planning expertise could be better directed to other high priority tasks, notably coordinating Regional Land Use Planning Committees.

Recommendation: The federal government should provide increased financial and human resources support to the NPC in the short term in order to expedite an accelerated regional land use planning process. Additionally, as a short term measure, territorial and federal departmental staff should provide in-kind support in the form of expertise, etc.

Recommendation: The NPC should establish and coordinate a land use planning committee for each planning region.

Recommendation: NPC should prioritize the use of existing and requested resources in order to focus more on the completion of regional land use plans. In many cases, NPC should take on more of a coordinating role in completing community and regional planning activities by delegating certain activities to regional organizations that deal with lands and resources.

4. Issue: The number of planning regions / plans and the incorporation of existing work

The NPC has indicated that *“the development of a single land use plan takes 4 – 5 years. With 6 regions the NPC finds itself in an endless loop of researching, developing and amending plans”*. The GN acknowledges that the experience in a three territories shows that northern regional land use plans are costly to produce and take, on average, at least 3 and often 4 years to prepare, followed by up to another year for approval.

Shortly after the NPC's establishment and before the creation of Nunavut, a decision was made by the NPC to divide the territory into 6 planning regions. In an attempt to break the planning process into smaller and more manageable pieces, the NPC sought to base the planning regions on common areas of use between communities. In practice, however, this approach has led to what the NPC has identified as "*an unmanageable work load and an endless loop of researching, developing and amending plans*".

The NPC could lessen its work load by reducing the number of regional plans to be developed. The GN believes that much of the work has already been initiated or is contained in existing approved or draft plans and should be built upon. The Keewatin plan covers the entire Kivalliq region while the other two regions are captured by the scope of the approved North Baffin and the draft West Kitikmeot and South Baffin plans.

Recomendation: Reduce the number of planning regions from 6 to 3, in order to conform with existing administrative boundaries: Kitikmeot, Kivalliq and Qikiqtaaluk.

5. Issue: Implementing 11.4.1a policies and the one window entry point into Nunavut's permitting and regulatory system.

The NPC has indicated that the Nunavut-wide land use plan approach would "*implement the 11.4.1a goals,...establish broad Nunavut wide terms where consensus can be easily achieved, and implement (the) "one-window" entry point within 1-2 years*". The GN concurs that this is what is needed as a first step after the approval of the 11.4.1a document.

Recomendation: Once it has been completed, the 11.4.1a document should be refined and adapted as required to provide a framework for a Nunavut Land Use Plan. The adapted framework would include Nunavut-wide conformity criteria to allow NPC to implement the "one window" entry point, terms of reference for regional land use plans, and a plan to address priority Nunavut-wide policy and program gaps that can be agreed upon by the 4 lead parties.

CONCLUSIONS

The GN believes that, by building on the recommendations set out in this paper, an approach to land use planning in Nunavut can be devised that responds to NPC concerns without abandoning the regional approach and the plans that have already been approved.

Nunavut is near completion of its territory-wide land use policy framework with the completion of the 11.4.1a document. Following completion of that document, the GN proposes that the parties undertake to oversee the completion of 3 regional land use plans and one Nunavut-wide land use plans in the next 4-5 year period, working through the NPC-chaired working group. Under this approach, NPC would be able to act as the “one-window” for development projects within a year of completing the 11.4.1a document.

This 4 party approach is consistent with the principles of co-management, the relationships described in NLCA Article 11, and the policies of the 11.4.1a document. Additionally, this approach would allow the parties to streamline feedback, and expedite the review and approval of land use plans at each stage of the planning process.

More specifically, the GN proposes the following steps:

- I. Approve the 11.4.1a broad planning policies, objectives and goals **by November, 2007**.
- II. NPC host a land use planning workshop to refine the desired approach, create a work plan and determine the additional level of federal and territorial government support to the NPC for this approach **in November 2007**.
- III. The Working Group should then begin refining the 11.4.1a document to complete **by the end of 2008** a “Framework” for the Nunavut Land Use Plan. This framework would include:
 - i. Conformity criteria stemming from 11.4.1a policies, to allow NPC to screen all land use applications and implement the “one-window” entry point.
 - ii. Identification of priority policy and program gaps (agreed upon by the parties) with timelines and responsibilities for action.
 - iii. Terms of Reference for the completion of regional land use plans in Nunavut’s 3 administrative regions, including budgets and timelines.

- IV. Reduce the number of planning regions from 6 to 3 and establish 3 regional land use planning committees coordinated by the NPC, to write land use plans on an accelerated basis simultaneously for the Kivalliq, Kitikmeot and Qikiqtaaluk regions **by the end of 2011**.
- i. The GN recognizes that this will require significant resources in a concentrated period of time and that it needs to be ultimately economical for the stakeholders. The availability of such resources would have to be determined at an early point.
 - ii. Federal and territorial departmental staff and resources could be made available to assist the NPC for a one time planning process that saw the completion of regional land use plans for the entire territory under an accelerated process.
 - iii. NPC would need to re-prioritize some existing and requested resources to focus on the completion of land use plans. NPC's planning expertise can be assigned to tasks such as coordinating Regional Land Use Planning Committees while other tasks are delegated to existing land and resource organizations.
- V. NPC host a workshop to update the 11.4.1a "framework" with information gathered in the drafting of the 3 regional plans to create a draft Nunavut land Use Plan and 3 regional land use plans by the end of **2011**.
- VI. NPC hold public consultations on three regional land use plans and the Nunavut-wide land use plan **in early 2012**.
- VII. Simultaneously approve 3 regional land use plans, and one Nunavut Land Use Plan **by the end of 2012**.

While this note has provided a preliminary description of the GN proposal, further work would clearly be required in order to fully develop the approach. The GN proposes that the parties explore this approach at the land use planning workshop to be convened by the NPC this fall.