

**Nunavut Land Use Plan Workshop:
“Filling Gaps in the Draft Nunavut Land Use Plan”**

**Cambridge Bay, Nunavut
September 17-19, 2013**

**Workshop Report
(“The Ship is Sailing”)**

The Nunavut Planning Commission expects to submit in March 2015 the first-generation Nunavut Land Use Plan for the approval of Nunavut Tunngavik Incorporated (NTI), Government of Nunavut (GN) and Government of Canada (GoC). While much work has been done, much remains to be done before the Plan can be completed and submitted, including filling the many knowledge and data gaps that have been identified by the Commission and its staff.

As a key step in identifying and filling the gaps, the Nunavut Planning Commission sponsored a workshop in Cambridge Bay from September 17-19, 2013 inclusive. Invited participants included technical and program staff from NTI, GN, GoC (Fisheries and Oceans, Environment, Aboriginal Affairs and Northern Development, National Defence, Parks Canada), Regional Inuit Associations, Manitoba and Saskatchewan Denesuline and Makivik, Nunavut Wildlife Management Board, Nunavut Impact Review Board, Nunavut Water Board, Surface Rights Tribunal, the mining industry, the business sector, and non-government organizations including World Wildlife Fund Canada and Beverly Qaumariaq Caribou Management Board. Nunavut Planning Commission staff organized and ran the meeting.

The purpose of the workshop was three-fold:

- updating planning partners on the current status of the DNLUP;
- explaining why the DNLUP had taken the form it has by walking the planning partners through the planning process to date, notably the Options and Recommendations document; and,
- outlining the next steps of the process leading to the completion of the Nunavut Land Use Plan and in that context, requesting of planning partners the information required to address gaps and conflicts.

The three day meeting began with an open house in the Northwest Passage meeting room at the Arctic Islands Lodge on the afternoon of Tuesday, September 17. Posters explaining the planning process and highlighting the Draft Nunavut Land Use Plan chapters were displayed on the meeting room walls. Sharon Ehloak, NPC Executive Director, welcomed workshop participants, thanked them for making the time to come to the workshop given their very busy schedules, overviewed the purpose of the workshop and encouraged all participants to see as much of Cambridge Bay and the surrounding area as they could while they were visiting.

The workshop proper began Wednesday morning. Ms Ehloak opened the meeting and reviewed the workshop purpose and agenda. The workshop was divided into three subject areas: familiarizing planning partners with the mandate of the NPC and bringing

them up to date with respect to the planning process; laying out the steps the NPC will follow in completing the NLUP by March 2015; and addressing key issues planning partners raised in preparing for the workshop. Each presentation during the workshop followed the same format: an overview of the subject followed by a question and answer session.

Adrian Boyd, NPC Director of Policy, reviewed the mandate of the NPC with particular reference to NLCA part 11.4.1 (a) and overviewed the process leading from the Broad Planning Policies, Objectives and Goals document through the Options and Recommendations document to the Draft NLUP. He emphasized that the NLUP will be based on the best information available at the time, that it is a first-generation Plan, that it will be imperfect, and that it will only be as good as the information provided to the NPC. Planning partners raised a number of concerns including:

- that there be greater transparency regarding the NPC's decision-making process leading from the revised Options and Recommendations document to a second DNLUP, especially with regard to resolving conflicting views;
- that there be more time to review the revised Options and Recommendations document prior to the public hearing;
- that there be a second draft of the DNLUP made available prior to the public hearing;
- that it was unclear how the NPC will incorporate the results of community consultations (which would not be completed until spring 2014), additional data and information provided by the planning partners prior to February 2014, and the results of subsequent meetings (including the scheduled May 2014 meeting of the partners) into a revised Options and Recommendations document;
- that the results of the community meetings be made available to the planning partners more rapidly than previously so that the partners can incorporate community perspectives into their submissions;
- that some agencies were willing to provide more data and information sooner than February and whether that was acceptable to the NPC.

In response, NPC staff encouraged early submission of data and information whenever possible and emphasized the importance of ongoing engagement. With better information, a better NLUP will emerge. NPC staff also noted the importance of a single comprehensive submission from each organization before February 2014. With regard to NPC decisions, they emphasized that there would be no surprises in the NLUP when it is submitted for approval as the path leading from the Options and Recommendations document through the public hearing to the NLUP would be clear. They also emphasized the necessity of following the planning process as set out in the NLCA. That said, NPC staff recognized the desirability of making available reports as soon as possible, including a revised Options and Recommendations document and the results of community consultations, would look for flexibility wherever possible and indicated they would bring these issues up with the Commission for direction.

The discussion then moved on to a more detailed review of the Options and Recommendations document with particular emphasis on areas important for economic, environmental, cultural and social reasons and the intention to incorporate a new section to address the administration context. Discussion focussed on several areas including:

- clarification of the Plan amendment process;

- the current review of the DNLUP and how the results of that review (comments are due by February 2014) will be incorporated into a revised Options and Recommendations document rather than directly into a revised DNLUP;
- gaps in the DNLUP including an incomplete list of wildlife species of importance, areas of high mineral prospectivity, recognition of the importance of water as a critical feature on its own, incorporation of watersheds as a planning feature, marine corridor mapping, and the need for improved clarity of key definitions.

In response, NPC staff encouraged partners to submit any and all relevant data and information as soon as possible as the Plan can only reflect the input received. NPC staff also reminded partners that while the planning process set out in the NLCA is rigid, staff would seek direction from the Commission as to where accommodations might be made to address partner concerns. With regard to the concerns regarding the DNLUP-Options and Recommendations document linkage, staff characterized the LUP as an “executive summary” of the Options and Recommendations document, noting the commitment to “no surprises” in the LUP. Staff ensured partners that all data and information provided by them would be carefully examined and incorporated in the revised Options and Recommendations document including more explicit recognition of the importance of water, inclusion of watersheds in the planning framework, and the inclusion of marine corridors, high mineral prospectivity areas and so on. However, the onus is on the partners to provide the needed data, information, and reasons that the data and information should be included in the DNLUP as soon as possible.

Discussion moved on to a review of the DNLUP. NPC staff overviewed the content of the DNLUP and illustrated the link between the Options and Recommendations document and the DNLUP. Again, the “executive summary” analogy was drawn. The Options and Recommendations document can also be seen as the history/context component of the NLUP; the latter is the distillation of the former. Both are living documents and reflect the best information available at the time.

The next steps in the planning process were then highlighted by NPC staff. The “Guide to Engagement” document was reviewed and the key milestones in the planning process from this point until submission of the NLUP for approval in March 2015 were described. Staff emphasized that while the process to date has been busy, it will become increasingly more intense as it moves forward. Partners need to be fully engaged from here on in or risk not having their issues, concerns and values incorporated in the NLUP. Engagement with communities will be critical and NPC staff encouraged partners to join them on the upcoming community tours.

Filling the gaps in the DNLUP was the next topic on the agenda. NPC staff outlined a number of key gaps and the type of data and information they needed to best fill these gaps. The importance of effective community engagement was discussed in some detail including NPC’s community engagement plans and procedures. NPC considers it critical that community values are clearly understood and effectively reflected in the NLUP. Partners recognized and agreed with this principle but were unclear about how conflicting interests and values would be resolved by the NPC. Caribou calving grounds were discussed at length in this context. GN agreed to provide all relevant calving ground data and information to NPC as soon as possible.

NPC staff emphasized the desirability of the partners resolving conflicting interests and values the issues among themselves before the public hearing. Climate change

concerns were raised, particularly with respect to the disappearance of sea ice and associated implications including more accessible marine transportation corridors, and a commitment was made to provide NPC with more data and information in this regard. Polynya mapping information will also be provided. A commitment to providing high mineral prospectivity maps and information to NPC was made by industry representatives. The challenges of quantifying and incorporating community values in the NLUP were discussed at length and while no resolution was reached, all parties agreed on the fundamental importance of understanding those values and recognizing them in the NLUP.

This ended the first full day of the workshop.

The second day began with an overview by QIA of its approach to incorporating community input into land use conformity. QIA tabled an outline of its proposed approach to continuously involve communities in the land use planning process by incorporating criteria for community consultation into the NLUP conformity determination process. The methodology would include a map of community boundaries and the development of guidelines to clarify engagement protocols. Both would be developed through community consultations. Following considerable discussion, planning partners agreed that QIA's offer to lead discussions on this aspect of NLUP implementation would be very helpful (and not just on the issue of conformity but on the broader issue of effective consultation) and promised to engage as appropriate.

NPC staff then led a discussion on the issue of cumulative effects referrals, outlining the referral process and its limitations. NPC has developed a draft directive which has been circulated for comment. It is also developing with NWB and NIRB a reference map which would be linked to the directive and updated continuously. The map should be ready by April 2014. The NPC and its partners would welcome any and all relevant information and data for incorporation in the map. Discussion ensued about the challenges of managing cumulative effects, particularly where regulatory triggers are absent as in the case of low-level flights and some tourism activities.

The challenge of incorporating climate change into the NLUP was discussed at length. The suggestion was made that the NLUP plan could include identification of areas where permafrost is particularly susceptible to disturbance and where changes in sea ice thickness and distribution could create additional sensitivities.

The meeting wrapped up with concluding remarks and observations from the parties. All agreed that the meeting had been particularly useful and that they would do their best to maintain the momentum and good will created during the previous days, recognizing that there are both significant challenges and opportunities ahead.

Summary of Key Commitments

- GN will provide its data and information regarding caribou calving grounds as soon as possible;
- NPC staff will seek direction from the Commission regarding accommodations in the planning process to enable earlier than planned distribution of reports without violating the NLCA;
- NPC staff will incorporate watersheds in the planning framework and will strengthen the recognition of water "for its own sake" in the Options and Recommendations document and in the NLUP;

- DFO will provide NPC with maps, information and data related to marine transportation corridors;
- Industry and AANDC undertook to further investigate the feasibility of providing NPC with high mineral potential area maps and information;
- WWF and EC will provide maps, data and information regarding climate change including sea ice projections, polynya mapping and sensitive areas;
- QIA will take the lead on community-based conformity determination requirements, supported by planning partners;
- All planning partners agreed that the NLUP is fundamentally important, that it will be only as good as the information provided and that they will work closely together to ensure that the first-generation NLUP will be submitted by NPC for approval by March 2015.