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**Government of Nunavut's *2014 Draft Nunavut Land Use Plan* and
*Considerations for Potential Refinements to the 2014 Draft Nunavut
Land Use Plan* Review Report**

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Acronyms & Terms

DNLUP/NLUP; ‘the Plan’ – 2014 Draft Nunavut Land Use Plan

DOE – Department of Environment

GN – Government of Nunavut

NLCA – Nunavut Land Claims Agreement

NUPPAA – Nunavut Planning and Project Assessment Act

NSA – Nunavut Settlement Area

O&R – Options & Recommendations document

Executive Summary

Pursuant to Article 11 of the Nunavut Land Claims Agreement (“NLCA”) and sections 49- 51(1) of the Nunavut Project Planning and Assessment Act (NUPAA), the Nunavut Planning Commission (“NPC”) has the responsibility to develop land use plans that guide and direct resource use and development. After a period of consultation, a draft land use plan is prepared, and the NPC makes the draft land use plan public and solicits written and oral comments from all appropriate federal and territorial government agencies, Designated Inuit Organizations (DIOs), communities and the general public.

Subsequently, the NPC is responsible for holding public hearings and, as appropriate, revising the draft plan before submitting it along with a written report of the public hearings to the Federal Minister of Aboriginal Affairs and Northern Development, the Nunavut Minister of Environment, and Nunavut Tunngavik Incorporated for joint acceptance or rejection.

In 2014 NPC prepared and made public a *Draft Nunavut Land Use Plan* (DNLUP) and has solicited comments from appropriate parties.

In advance of the Plan’s public hearing the NPC has committed to refine the DNLUP based on planning stakeholder comments solicited during four Technical Meetings of Technical Experts held between June 2015 and April 2016.

The Government of Nunavut (“GN”) has been an active participant and Party to the NPC review process for the DNLUP; participating in the NPC’s community consultation processes and various workshops, contributing to the 2012 Third Party Independent Review of the DNLUP, as well as the GN’s own internal departmental review of several iterations of the DNLUP (and associated documents) by GN departments of:

- Community & Government Services;
- Culture & Heritage;
- Economic Development & Transportation;
- Environment;
- Executive & Intergovernmental Affairs;
- Health;
- Justice; and
- Nunavut Research Institute

This 2016 document, the GN’s second *2014 Draft Nunavut Land Use Plan Review Report*, has been prepared primarily in response to NPC requests for more information through their *Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan* document. This Report is the product of comprehensive departmental review and discussion, and presents the GN’s observations and comments on the 2014 DNLUP, the Options and Recommendations (O&R) document, and Technical Meeting discussions.

Documents considered in this review, in whole or in part, include:

- NPC Draft Nunavut Land Use Plan 2014;
- NPC Draft Nunavut Land Use Plan: Options & Recommendations 2014;
- NPC Draft Nunavut Land Use Plan 2011/2012;
- NPC Draft Nunavut Land Use Plan: Options & Recommendations 2011/2012;
- NPC Responses to GN Comments. May 28, 2014;
- The Nunavut Land Claims Agreement;
- The Nunavut Planning and Project Assessment Act;
- Various maps & documentation found on NPC website: www.nunavut.ca.
- Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan
- DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) *Technical Meeting Transcripts*.

Introduction:

Pursuant to Article 11 of the NLCA and sections 49- 51(1) of NUPPAA, the NPC has the responsibility to develop land use plans that guide and direct resource use and development. After a period of consultation, a draft land use plan is prepared, and the NPC makes the draft land use plan public and solicits written and oral comments from all appropriate federal and territorial government agencies, Designated Inuit Organizations (DIOs), communities and the general public.

This document, the GN's second 2014 Draft Nunavut Land Use Plan Review Report, has been prepared by the GN to support its participation in the next stages of the land use planning process.

Note that all of the GN's previous recommendations made in prior submissions still apply. However where recommendations differ the suggestions included herein prevail.

DNLUP Review Comment # 2016-1	
Organization	Government of Nunavut
Subject	Polar Bear Denning Areas
References	<p>DNLUP, 2014: Chapter 2- Sub-section 2.1.3. <i>Polar Bear Denning Areas</i>, p. 24-25, and Schedule A and Table 1- Site #49</p> <p>O&R. 2014. Chapter 2. <i>Polar Bear Denning Areas</i>, p. 43.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 2, <i>Polar Bear Denning Areas</i></p> <p>NPC. 2016. <i>DNLUP Nunavut Planning Commission 3rd Technical Meeting Transcript</i>, Rankin Inlet.</p>
SUMMARY OF NPC's CONCLUSIONS	
<p>Currently in the 2014 DNLUP polar bear denning area polygons (submitted by the GN) are designated Special Management Areas with NPC's cumulative impact project referral power listed as a term.</p> <p>In its Options for Refinement to DNLUP document NPC asks: "Should polar bear denning areas be designated as Protected Areas in the NLUP?" NPC further lists the following land use options for polar bear denning areas in the NLUP: Options for Refinement to DNLUP:</p> <ol style="list-style-type: none"> 1. Consider replacing the polar bear denning Special Management Area with a Protected Area designation. -Implications: Would result in many additional Protected Areas that cover a large geographic area. 2. Consider removing the Term related to cumulative impacts replace the Special Management Areas with a Mixed Use designation that would provide Direction to Regulatory Authorities. - Implications: Would move the areas from Schedule A to Schedule B. All uses would be permitted. 	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>A note on the polar bear denning area spatial data provided to the Commission by the GN's Department of Environment:</p> <ol style="list-style-type: none"> 1. The data stems from publications from the 1980s from studies conducted by the then NWT, as well as from a collection of new scientific information and IQ combined during Polar Bear Technical Committee meetings held in 2003. 2. There are ongoing efforts by GN and partnering Greenland researchers regarding updating this data. 3. Once more recent data is available the GN will potentially advocate for denning area updates via the Plan's periodic review. However at this time there is no reason to believe that new 	

information would result in drastic changes to these identified areas. Reversely scientific and IQ knowledge gathered to-date suggests a strong fidelity to these sites over time.

Denning areas are important as they will determine successful recruitment into polar bear populations. Many denning areas have been used by bears for generations and it is poorly understood or known how flexible the bears will be in finding new possible denning areas should their sites be destroyed or unavailable.

Locations and aspects of polar bear dens likely differ across the Nunavut polar bear range and the 12 subpopulations. However, it is known from some studies and local knowledge that in most populations dens occur within 10-15km of the coastline with higher densities, and some are farther inland (up to 30-35km), but that varies by subpopulation and geography. Much more research on den characteristics (elevation, slope, snow accumulation, etc.) all across Nunavut is needed in order to gain detailed knowledge. Field observations indicate that many dens face south-west therefore care should be taken when activities are carried out at higher snow-covered elevations. Most dens will not be recognizable during winter because they will be drifted over.

The Commission should account for the species well-known cultural and harvesting value to Nunavummiut, particularly Inuit, and the critical importance of these areas to population productivity.

Furthermore it is also important to note the following when considering these identified areas:

- Article II of the GOC signed 1973 international Agreement on the Conservation of Polar Bears commits all parties to take appropriate action to protect polar bear ecosystems, “with special attention to habitat components such as denning...sites”;
- Section 9.7 of the 2011 Canadian National Polar Bear Conservation Strategy states that “appropriate action will be taken to protect polar bear habitat with special attention given to denning and feeding sites.” Section 7.3 of this same Strategy lists the lack of legal protection for critical polar bear terrestrial habitats, such as maternal denning areas, as a major challenge to the species’ conservation;
- Section 65(b) of the Nunavut Wildlife Act also notes: “No person shall, without legal justification, substantially alter or damage or destroy any habitat”.
- Furthermore Section 73(1b) of the Wildlife Act explicitly prohibits the destruction of bear denning areas.

Regarding Option 1 the GN has concerns relating to the large size of the polar bear denning area polygons, and consequentially the opportunity-cost impacts to Nunavummiut that may result in applying a Protected Area designation to these areas with prohibitions on development.

Regarding Option 2 the GN supports the removal of ‘cumulative impact referrals’ and ‘direction to regulatory authority’ language as terms specified for these Special Management Areas, as both NPC’s cumulative impact referral power under *NuPPAA* and the utility of Schedule B of the Plan may be better described in *Section 7: Implementation Strategy*. However, the GN would like to see polar bear denning areas remain designated ‘Special Management Areas’ considering their ecological sensitivity and cultural importance.

REVIEWER’S RECOMMENDATIONS

Given Section 65(b) of the Nunavut *Wildlife Act*, the GN supports NPC's 2014 Special Management Area designation of GN delineated polar bear denning areas and recommends the following terms to apply to these subject areas (to be included as an appendix to NPC conformity determinations for projects within polar bear denning Special Management Areas):

1. For industrial or high disturbance activities The proponent must consult with the Government of Nunavut's Department of Environment and the local Hunters and Trappers Organization, as well as Regional Wildlife Board, in order to gauge the likelihood of dens being present in the project area;
 - a. Where consultations with wildlife co-management partners reveal there is a high probability of polar bears dens being present, active or suspected active dens must be located (either through forward-looking infrared (FLIR) or specialized scent dogs), and documented prior to any activities. These observations/documents are to be shared with all stakeholders.
2. A 1km radius exclusion zone must be observed around every known, recorded polar bear den between 15 September and 15 April, or until it is documented and reported that the den has been vacated by the family group and left the exclusion zone;
3. If previously unknown dens are being discovered and reported within 1 km of activities the Government of Nunavut Department of Environment should be contacted immediately for guidance.
4. If activities are carried out during denning season (15 September and 15 April) then proponents must have a trained polar bear monitor that can mitigate any responses to bear presence. Monitors will be an early detection system to bear proximity.
5. All bear encounters throughout the period of activities will be recorded and reported to the Government of Nunavut Department of Environment. All reporting must include:
 - a) Date and time of observation
 - b) Location (ideally GPS)
 - c) Observers name and contact information
 - d) Weather, visibility
 - e) Closest distance at approach/encounter
 - f) Description of encounter
 - g) Duration of encounter
 - h) Actions taken
 - i) Number of bears, estimated age class, sex
6. Any lethal take or injury must be reported within 24 hrs to the nearest Government of Nunavut Conservation Officer so that proper occurrence record information can be filed.
7. Activities that occur during denning periods (15 September and 15 April) in snow-covered terrain in areas of higher altitude and facing south-west should be carefully undertaken as not to encounter or disturb bears in dens.
8. Earth moving (blasting, grading, piling gravel and other debris) in potential denning areas shall be carried out so as to avoid unnecessary influences on snow drifts (direction, thickness, etc.) which may affect the creation of suitable denning habitat for bears. Before any activities requiring equipment or explosives are conducted, DOE must be consulted.

In addition to this recommendation **the GN also supports a more comprehensive discussion of polar bear denning areas within Section 2.1.3 of the Plan** (note some of the supplementary information included above in 'REVIEWER'S COMMENTS AND SUPPORTING RATIONALE').

Further **critical polar bear habitat, land use sensitivities, and ongoing population health research should be listed as priority within *Section 7.13 Additional Research and Studies***. Particularly land use sensitivities may need to be determined for polar bear feeding area and summer retreat habitats for future iterations of the Plan.

DNLUP Review Comment # 2016-2	
Organization	Government of Nunavut
Subject/Topic	Caribou Habitat
References	<p>DNLUP, 2014: Chapter 2- Sub-section 2.1.2.1 <i>Caribou Calving and Post-Calving Areas</i>, p. 24, and Schedule A and Table 1- Site #47 and Site #48</p> <p>O&R. 2014. Chapter 2: Sub-section 2.1.2.1 <i>Caribou Calving and Post-Calving Areas</i>, p. 41-42.</p> <p>DNLUP. 2014. Chapter 1: Sub-section 1.4.1 <i>Incremental Planning</i>, p. 15-16. DNLUP. 2014. Chapter 7: Section 7.11 <i>Periodic Review and Monitoring</i>, p.50.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 4, Caribou Habitat</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts.</i></p>
SUMMARY OF NPC's CONCLUSIONS	
<p>Currently in the 2014 DNLUP NPC has designated GN scientifically delineated caribou calving [and calving key access] grounds, as well as post-calving grounds as Protected Areas with prohibitions on industrial uses. Areas of high mineral potential provided by Indigenous and Northern Affairs Canada were overlaid, and where overlaps occurred these areas were designated Special Management Areas with terms to mitigate impacts on industrial developments.</p> <p>In its <i>Options for Refinement to DNLUP document</i> NPC asks: "How should caribou habitat be treated in the NLUP?" NPC further lists the following land use options for caribou habitat in the NLUP:</p> <ol style="list-style-type: none"> 1. Consider assigning core caribou calving areas a Protected Area designation, regardless of high mineral potential. Implications: Would change caribou calving Special Management Areas where there is high mineral potential to Protected Areas. 2. Consider assigning caribou post-calving areas a Protected Area designation or Special Management Area, regardless of high mineral potential. Implications: Would either change caribou post-calving Special Management Areas where there is high mineral potential to Protected Areas, or change all post-calving areas to Special Management Areas. 3. Consider assigning caribou key access corridors a Protected Area designation. Note: all key access corridors are presently classified as being within post-calving areas. 4. Consider assigning caribou fresh water crossings a Protected Area designation. Implications: Would result in several additional Protected Areas covering a small geographic area. 5. Consider assigning caribou sea ice crossings a Special Management Area designation. Implications: Would move sea ice crossings from Schedule B to Schedule A. 6. Consider assigning caribou rutting areas a Special Management Area designation. Implications: 	

- Would result in several additional Special Management Areas covering a large geographic area.
7. Consider assigning caribou migration corridors a Special Management Area designation. Implications: Would result in several additional Special Management Areas covering a large geographic area.
 8. Consider assigning caribou range a Mixed Use designation.”

REVIEWER’S COMMENTS AND SUPPORTING RATIONALE

The GN has made multiple comments and recommendations to NPC in the past concerning the designation of various seasonal caribou habitats. It is recognized by the GN that the considerations identified in NPC’s refinements document are at least in part informed by these prior GN recommendations.

Caribou are an important resource to Nunavummiut and an integral component of the Arctic ecosystems, and must be managed effectively to ensure their persistence into the future. Any development within caribou habitat must be done under strict measures to minimize impacts to wildlife.

As discussed during the Fourth Technical Meeting, the GN has reassessed the applicability of area-protection with use prohibitions to its sustainable management of caribou habitats. Rather than having the NLUP restrict developments in these areas at the onset of the project assessment process, the GN asserts that adequate caribou disturbance mitigation measures can be implemented through the existing Nunavut Impact Review Board facilitated environmental assessment regime.

REVIEWER’S RECOMMENDATIONS

The GN retracts its previous land use recommendations submitted to NPC regarding management of caribou habitats. This change in management recommendation does not affect the previously submitted delineations of caribou habitat itself, which we maintain are accurate.

Moving forward the GN is open to continuing discussions with planning participants regarding caribou habitat delineation.

DNLUP Review Comment # 2016-3	
Organization	Government of Nunavut
Subject	Heritage Rivers
References	<p>DNLUP, 2014: Chapter 3, Sub-section 3.1.2.5 <i>Heritage Rivers</i>, p. 30, Schedule A and Table 1 – Site # 87-89.</p> <p>O&R. 2014. Chapter 3. <i>Heritage Rivers</i>, p. 61.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 8. <i>Heritage Rivers</i></p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts.</i></p>
SUMMARY OF NPC's CONCLUSIONS	
<p>In its <i>Considerations for Potential Refinements</i> document NPC suggests the following land use options regarding heritage rivers:</p> <ol style="list-style-type: none"> 1. Consider removing the Term regarding cumulative impacts referrals. Implications: would replace the Special Management Areas with a Mixed Use designation that would provide Direction to Regulatory Authorities. All uses would be permitted. 2. Consider developing NLUP Special Management Areas designations to support the Heritage River Management Plans. Given that the management plans generally do not provided specific land use recommendations, consider including setbacks from the rivers that would be eligible for minor variances. 3. Consider including the Coppermine River as a nominated Canadian Heritage River." 	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The Canadian Heritage Rivers (CHR) program is Federal Program administered by Parks Canada and managed by the provinces and territories.</p> <p>In Nunavut the Department of Environment is responsible for implementing the CHR program.</p> <p>There are 3 designated Canadian Heritage Rivers (CHR) in Nunavut: the Soper, the Kazan and the Thelon.</p> <p>The Coppermine River CHR nomination was accepted and the management plan was completed. Final designation of the Coppermine River will occur when the Inuit Impact and Benefits Agreement for Heritage Rivers between the Federal Government and Nunavut Tunngavik Incorporated is completed.</p> <p>The Purposes of CHR in Nunavut are:</p> <ol style="list-style-type: none"> 1. to protect the natural, cultural and heritage resources within and adjacent the rivers and 	

management area;

2. to encourage and monitor recreation use of the river and ensure its compatibility with conservation of natural and heritage resources
3. to provide high quality recreational opportunities that will encourage appreciation and understanding of the Arctic environment and the role of rivers in Inuit culture, traditions, and in the exploration and development of Nunavut;
4. to ensure Inuit continue to benefit from the CHR by fostering tourism and related economic development in adjacent communities; and
5. to foster tourism and related economic development in the adjacent communities.

REVIEWER'S RECOMMENDATIONS

The GN supports a revised Option 2. The Term regarding cumulative impacts can be removed but the GN recommends the following Terms be included to maintain these areas as Special Management Areas:

Kazan Heritage River Terms:

- Maintain the water flow and quality
- Protect the sensitive nesting sites of peregrine falcons and gyrfalcons along the river
- Protect the Beverly and Qamanirjuaq caribou herds river crossings
- Protect archaeological sites along the river
- Maintain the natural beauty and aesthetic qualities of the river, particularly the 3 Cascades, Kazan Falls and gorges, river above Angikuni Lake and river below Yathkyed Lake

Thelon Heritage River Terms:

- Maintain the water flow and quality
- Protect the sensitive nesting sites of peregrine falcons and gyrfalcons along the river
- Protect the Beverly and Qamanirjuaq caribou herds river crossings
- Protect archaeological sites along the river
- Maintain the natural beauty and aesthetic qualities of the river by minimizing the visual impact of facilities and activities

The GN supports Option 3; the Coppermine River should be included in the *DNLUP* as a nominated Canadian Heritage River and represented in the DNLUP as a Special Management Area.

Proposed Coppermine Heritage River Terms:

- Maintain the water flow and quality
- Protect archaeological sites along the river
- Maintain the natural beauty and aesthetic qualities of the river by minimizing the visual impact of facilities and activities

The GN supports the Soper Heritage River being a Protected Area.

DNLUP Review Comment # 2016-4	
Organization	Government of Nunavut
Subject	Community Drinking Water Supply Watersheds
References	<p>DNLUP, 2014: Chapter 4, subsection 4.4.1 <i>Community Drinking Water Supplies</i>, p.35.</p> <p>O&R. 2014. Chapter 4. <i>Community Drinking Water Supplies</i>, p. 70.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 10. Community Drinking Water Supply Watersheds.</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 3rd Technical Meeting Transcript</i>, Rankin Inlet.</p>
SUMMARY OF NPC's CONCLUSIONS	
<p>In the 2014 iteration of the <i>DNLUP</i> all community watersheds are represented in Schedule B as 'direction to regulatory authorities' (presumably to be revised to information to regulatory authorities). Community drinking water supplies located in watersheds outside of municipal boundaries are assigned a Special Management Area land use designation by the DNLUP (DNLUP, p. 35).</p> <p>Further direction for the management of these areas is provided in Table 1 of the DNLUP, where it states:</p> <p>"Terms: The NPC may refer a project proposal falling within Schedule 12-1 to NIRB for screening, where the NPC has concerns respecting the cumulative impact of that project proposal in relation to other development activities in the planning region,"</p> <p>And,</p> <p>"Direction: The NWB, where appropriate, needs to mitigate impacts on community water drinking supplies to ensure that the integrity of the drinking water is maintained," (DNLUP, Table 1 sites #103-113).</p> <p>The DNLUP recognizes that, "the quality and quantity of drinking water may be affected by land use activities within the entire watershed or catchment area of the water source" (p35).</p> <p>In its <i>Considerations for Potential Refinement to the DNLUP</i> document NPC asks: "[s]hould the DNLUP include additional conditions for the protection of Community Drinking Water Supply Watersheds?" NPC further describes the following options for these areas:</p> <ol style="list-style-type: none"> 1. <i>Consider removing the term related to cumulative impacts. Implications: would replace the</i> 	

<p><i>Special Management Areas with a Mixed Use designation that would provide Direction to Regulatory Authorities. All uses would be permitted.</i></p> <ol style="list-style-type: none"> <i>2. Consider developing general conditions that would provide protection for community drinking water supplies. Would need to identify appropriate conditions for land uses, and/or identify incompatible uses that should be prohibited.</i> <i>3. Planning partners may consider committing to a process to develop specific, potentially quantitative water quality/quantity conditions for community watersheds, for inclusion in NLUP in the future through plan amendment.</i>
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE
<p>Prior comments relating to this topic, submitted by the GN to NPC, still apply:</p> <p><i>Include a conformity requirement in the DNLUP requiring a proponent of an industrial project taking place within a watershed containing a community drinking water source to identify in their proposal: the location of the community drinking water source in relation to the proposed project activities; any potential impacts of project activity on that water source; and mitigation measures to avoid impacts to the community drinking water source (4-001).</i></p> <p>Drinking water quality is very important for public health, and ensuring safe drinking water requires source water protection. In Nunavut, source waters for drinking water supply are particularly vulnerable because the territory relies on surface water as its only source of drinking water.</p> <p>While the watershed approach that is outlined in the <i>DNLUP</i> offers an effective management technique, there is concern that the safety of community drinking water sources outside of municipal boundaries has not been adequately addressed by the <i>DNLUP</i>.</p> <p>The NPC has a critical role to play as the gatekeeper of the integrated regulatory system in Nunavut, and it is important that the Plan facilitate the provision of safe drinking water in instances where water sources are located outside of municipal boundaries. It is therefore recommended that a conformity requirement for any industrial activity taking place within a watershed containing a community drinking water source be included in the <i>NLUP</i> to act as an early filter for applications that do not include satisfactory mitigation measures.</p> <p>The GN reiterates that the Plan should only apply directions to development proponents and not regulatory authorities.</p>
REVIEWER'S RECOMMENDATIONS
<p>The GN supports a revised Option 1. The Term regarding cumulative impacts can be removed but the GN recommends Terms be included to maintain these areas as Special Management Areas. This is also in line with Option 2.</p> <p>The GN recommends the inclusion of a condition that requires any industrial project taking place</p>

within the Special Management Area designated for Community Drinking Water Supply Watersheds to identify the following items to obtain conformity from NPC:

- The location of the community drinking water source in relation to the proposed project activities;
- Any potential impacts of project activity on that water source; and
- Mitigation measures to avoid impacts to the community drinking water source.

The GN recommends further NPC coordination with the Nunavut Water Board in determining appropriate land use management of community drinking water supply watersheds.

DNLUP Review Comment # 2016-5	
Organization	Government of Nunavut
Subject	IQ Incorporation including Community Priorities and Values/Areas of Interest
References	<p>DNLUP, 2014: Chapter 1, Sub-section 1.4.2 <i>Consultation</i>, p. 16; Chapter 4, Sub-section 4.1.2-3. Schedule A and Table 1 Site # 90-95, & Tables 3, 4.</p> <p>O&R. 2014. <i>Appendix B: Supporting Maps for each Area</i></p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 13. <i>IQ Incorporation including Community Priorities and Values /Areas of Interest</i></p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts.</i></p>
SUMMARY OF NPC's CONCLUSIONS	
<p>In the 2014 <i>DNLUP</i>, NPC notes that community consultations informed the Commission's designation of Special Management and Protected Areas and promotes "...further consideration of these priorities and values in the regulatory process" (<i>Section 4.1.2 Community Priorities and Values</i>, p.32). Further NPC directs regulatory authorities to "where appropriate ... mitigate impacts on the priorities and values identified by communities" as per Tables 3 and 4 (<i>Section 4.1.2 Community Priorities and Values</i>, p.32).</p> <p>NPC also identifies six community areas of interest:</p> <ul style="list-style-type: none"> • Hiukitak River • Duke of York Bay • Foxe Basin • Moffett Inlet • Nettilling Lake • Walrus Island <p>In its <i>Considerations for Potential Refinement to the DNLUP</i> document NPC asks: "[h]ow should the DNLUP reflect community priorities and values and community areas of interest?" NPC further suggests four potential refinements for addressing IQ:</p> <p>(1) consider including additional Community Areas of Interest as Protected Areas;</p> <p>(2) consider including specific land use conditions regarding Community Priorities and Values;</p> <p>(3) consider including better definitions for IQ and statements on Inuit values in the DNLUP. Also consider including in the O&R document a section detailing how past consultations have contributed to the DNLUP, especially Table 1, and Schedules A and B; and</p> <p>(4) consider including a requirement in the DNLUP for all land users to agree to a Code of Good</p>	

Conduct, similar to that in the NBRLUP and KRLUP.

REVIEWER'S COMMENTS AND SUPPORTING RATIONALE

The Government of Nunavut previously submitted comments (1-002 and 7-005) regarding this topic still apply:

State in the DNLUP and O&R document the methodology used by the NPC to analyze and incorporate community priorities and values to inform the Plan and land use designations (1-002);

Spell out 'WMA' in Table 3, and include in list of acronyms (1-002);

Provide additional guidance and/or criteria in the DNLUP on how the Priorities and Values / Use information included in Tables 3, 4 & 5 should be effectively used and incorporated by proponents in project proposals (7-005).

NPC is advised to change the direction to regulatory authorities for community priorities and values to 'direction to project proponents' (see *Direction to Regulatory Authorities* comment).

Regarding Option 1, the GN would be generally supportive of new community areas of interest being included as designated areas in the Plan should there be adequate consultation records supporting such a designation. However, the GN would need to review any implications applicable to any specific newly proposed Protected Areas in order to determine its support for areas on a case-by-case basis. Therefore the GN recommends any newly proposed designated areas, not included in the 2014 iteration of the Draft Plan, be created via an Amendment or the Plan 3-5 year periodic review.

Regarding Option 2, similar to Option 1 the implications of these land use conditions would need to be reviewed by the GN. However provided these land use conditions are developed through consultations with communities, the GN would be generally supportive of their inclusion within the Plan.

Regarding Option 3, the GN would be supportive of including better definitions regarding Inuit values and IQ in the Plan, as long as these definitions are developed through appropriate consultations with Inuit. The GN also requests that the O&R document detail how past consultations have contributed to the *DNLUP*; more clarity regarding this decision-making process could also be included in *Chapter 1, Sub-section 1.4.2 Consultation*.

Regarding Option 4, given such a code of conduct would be symbolic and non-legally binding in nature, the GN does not see it as a necessary addition to the Plan, but would have no serious concerns with its inclusion.

Additionally the Plan's periodic review was discussed at the Third Technical Meeting, with many concerned that IQ and community feedback are not clearly listed as triggers for a Plan review. Moreover, the GN would like more clarity regarding how incorporation of IQ and community feedback will inform NPC facilitated periodic reviews once triggered, as well as Plan Amendments.

REVIEWER'S RECOMMENDATIONS
<p>The GN is supportive of including better definitions regarding Inuit values and IQ in the Plan.</p> <p>The GN requests that the O&R document detail how past consultations have contributed to the DNLUP.</p> <p>The GN also requests that NPC revise the Periodic Review section of the Plan to explicitly state that IQ and community feedback are both important triggers for a Plan review.</p>

DNLUP Review Comment # 2016-6	
Organization	Government of Nunavut
Subject	Transboundary Considerations
References	<p>DNLUP, 2014: Chapter 2- Sub-section 2.2 <i>Transboundary Considerations</i>, p. 25.</p> <p>O&R. 2014. Chapter 2. Polar Bear <i>Denning Areas</i>, p. 46.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 14, <i>Transboundary Considerations</i></p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts.</i></p>
SUMMARY OF NPC's CONCLUSIONS	
<p>In its Considerations for Potential Refinement to the DNLUP document NPC suggests two potential refinements for addressing IQ:</p> <p>(1) consider providing more general guidance in the NLUP regarding transboundary concerns; and</p> <p>(2) consider retaining references to identified priorities for transboundary concerns.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The Government of Nunavut comments (2-007 and 2-008) regarding this topic in 2015 still apply:</p> <p><i>Revise the section 2.2 Transboundary Considerations of the DNLUP to accurately reflect the process for initiating a transboundary project review as per NLCA 12.11.1 and NUPPAA 185 (2-007).</i></p> <p><i>The direction given to government should be revised to focus on the review and screening of "projects" as defined in NuPPAA rather than limiting to oil and gas exploration and hydro development (2-008).</i></p> <p>To clarify, the intent of these comments was to ensure that transboundary considerations within the Plan conform to the <i>NuPPAA</i>. The GN <u>does not</u> recommend that the Plan promote duplicated reviews of projects within multiple jurisdictions. Further the GN reiterates that NPC should revise any 'direction to government departments and agencies' phrasing in the NLUP to either 'information to decision makers' / 'information to planning stakeholders' or 'direction to proponents'.</p> <p>The GN recommends that NPC continuously gauge cross-jurisdictional land-use planning concerns (impacts to migratory wildlife habitat, cross-boundary watersheds, etc.). Transboundary considerations should complement NPC screenings (and potential cumulative effects NIRB referrals) of projects within</p>	

the Nunavut Settlement Area.

There is merit in the *NLUP* both identifying priority transboundary considerations (e.g. highlighting the vulnerability of the Great Bear Lake watershed as in the 2014 iteration of the Plan) as well as providing general transboundary consideration guidance, regarding: (1) legislated transboundary review triggers; and (2) discussion of how transboundary considerations will complement NPC conformity determinations, periodic reviews, cumulative impact NIRB referrals, etc.

The GN would support Option 1 and reiterates its recommendation that any revised wording should conform to and reflect any relevant provisions within *NuPPAA*.

REVIEWER'S RECOMMENDATIONS

The GN requests that NPC revise to wording in *Section 2.2* to reflect the *NLCA* and *NuPPAA* for the process of triggering a transboundary review of a project.

The GN supports Option 1 or providing more general guidance in the *NLUP* concerning how NPC will continuously gauge transboundary considerations to then complement its conformity determinations and periodic Plan reviews.

NPC is advised to note the applicability of their cumulative impacts referral power (as per S. 80 of *NuPPAA*) in gauging transboundary considerations.

DNLUP Review Comment # 2016-7	
Organization	Government of Nunavut
Subject	High Mineral Potential
References	<p>DNLUP, 2014: Chapter 5- Sub-section 5.1.1. <i>Mineral Potential</i>, p. 38, and Schedule A/Table 1- Site #167, 48</p> <p>O&R. 2014. Chapter 5. Mineral Potential, p. 77.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 15, High Mineral Potential.</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts.</i></p>
SUMMARY OF NPC's CONCLUSIONS	
<p>Areas of high mineral potential identified by Indigenous and Northern Affairs Canada are currently designated Special Management Areas in the Plan with prohibitions on Conservation Area/Parks and tourism facilities.</p> <p>In its Considerations for Potential Refinement to the <i>DNLUP</i> document NPC asks: [s]hould areas of high mineral potential be designated as Mixed Use? NPC further suggests two potential refinements for addressing areas of High Mineral Potential:</p> <ol style="list-style-type: none"> 1. <i>Consider maintaining the Special Management Area for high mineral potential, and updating the area to reflect additional areas and considerations.</i> 2. <i>Without more certain information on appropriate areas and consensus on what uses should be prohibited, consider removing the prohibitions (the restrictions on new conservation areas and tourist facilities) associated with the high mineral potential Special Management Area, and replacing it with a Mixed Use designation that includes direction to regulatory authorities. Implications: The identified areas would appear on Schedule B – Direction to Regulatory Authorities.</i> 	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The Government of Nunavut comments (2-006, 5-002, and 5-003) regarding this topic in 2015 still apply:</p> <p><i>With regard to areas of high mineral potential, in section 5.11 of the DNLUP, the process for selecting areas of high mineral potential is unclear; Clarify what information was provided by AANDC to designate areas of high mineral potential, and confirm the use of data from the Geological Survey of Canada (GSC) and Canada-Nunavut Geoscience Office (CNGO) (2-006);</i></p> <p><i>Areas identified as 'high mineral potential' should be reassigned as areas with 'high known</i></p>	

mineral potential’ to recognize the fact that all other areas also have mineral potential, but that it is currently unknown (2-006);

Remove the establishment of tourism facilities as a prohibited use in the Special Management Land Use Designation for High Mineral Potential areas (Site # 167) (5-002);

Remove the establishment of Conservation Areas and Parks as a prohibited use in the Special Management Land Use Designation for High Mineral Potential areas (Site # 167) and Oil and Gas Significant Discovery License (Site #168) in Table 1 of the DNLUP (5-003).

The Government of Nunavut is in support of areas of high mineral potential being designated Mixed Use. These polygons are better represented within Schedule B of the Plan because:

- methodology behind high mineral potential areas unclear;
- no applicable terms or conditions to warrant Special Management Area designation.

REVIEWER’S RECOMMENDATIONS

The GN is in support of removing prohibitions associated with High Mineral Potential Areas and having these areas instead designed Mixed Use as ‘Information to Proponents/Decision Makers’ in Schedule B of the Plan.

Continued research into delineating Nunavut’s areas of high mineral potential should be included as a priority within *Section 7.13 Additional Research and Studies* of the Plan.

DNLUP Review Comment # 2016-8	
Organization	Government of Nunavut
Subject	Linear Infrastructure (Terrestrial)
References	<p>DNLUP, 2014: Chapter 4- Sub-section 4.2.1 <i>Transportation Infrastructure</i>, p. 33-34, and Schedule A/Table 1- Site #47, 88, 97</p> <p>O&R. 2014. Chapter 4. <i>Transportation Infrastructure</i>, p. 68.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 16, <i>Linear Infrastructure Corridors (terrestrial)</i>.</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts</i>.</p>
SUMMARY OF NPC's CONCLUSIONS	
<p>Four out of the seven proposed transportation corridors shown in Schedule A within the 2014 DNLUP conflict with their proposed land-use designations (i.e. transect Protected Areas prohibiting 'all-weather roads'):</p> <ul style="list-style-type: none"> • The Kivalliq to Manitoba corridor • Bathurst Inlet Port and Road (BIPAR) proposed road corridor • Izok Corridor project • Kiggavik uranium project road <p>Determination of whether these projects have existing rights under the Plan or NuPPAA is unclear.</p> <p>In its Considerations for Potential Refinement to the DNLUP document NPC suggests two potential refinements for addressing areas of Linear Infrastructure (Terrestrial):</p> <ol style="list-style-type: none"> 1. <i>Consider maintaining approach where Transportation Infrastructure is considered to conform to the requirements of the Plan in all areas of the NSA except where explicitly prohibited. Consider defining types of terrestrial linear infrastructure in the plan and then establishing appropriate policies for each type, including:</i> <ul style="list-style-type: none"> • <i>Permitting winter roads and winter skid tracks in all designations, subject to other licenses, permits, and regulations.</i> • <i>Permitting all-season linear infrastructure in Mixed Use designations, and prohibiting them in Protected Area designations.</i> • <i>Special Management Areas may have different requirements for linear infrastructure, depending on the identified values.</i> • <i>Potential exception may be certain restrictions on new transportation linkages that create new connections between communities, on the basis of high socioeconomic impacts.</i> <p><i>Implications: Linear infrastructure would only require a plan amendment in Protected Areas,</i></p> 	

<p><i>or Special Management Areas where it is prohibited. There are several locations where proposed roads overlap with Protected Areas. To be included in NLUP, these corridors would need to be considered at the present time. Where a plan amendment was required to permit a linear infrastructure corridor, the NPC would consider the entire proposal, not just the portion(s) of the proposed linear infrastructure passing</i></p> <p>2. <i>Consider recommending that the NPC be included in the early planning processes for all future infrastructure investments, in order to ensure:</i></p> <ul style="list-style-type: none"> <i>a) Consistency with the NLUP</i> <i>b) Timeliness of any plan amendments that may be required</i> <i>c) Access to NPC expertise in land-based Inuit Qaujimajatuqangit</i>

REVIEWER’S COMMENTS AND SUPPORTING RATIONALE

<p>The Government of Nunavut comments (4-003, 4-004) regarding this topic in 2015 still apply: <i>Include Meliadine and Nanisivik Roads in the DNLUP and all accompanying documents, maps and figures where applicable (4-003)</i></p> <p><i>Update sub-section 4.2.1 of the DNLUP to include a complete listing of existing and proposed marine transportation corridors (4-004)</i></p> <p><i>Update Schedule A of the DNLUP, and maps 119 and 120 within the O&R document to reflect the existing and proposed marine transportation corridors (4-004)</i></p> <p>Nunavut has a severe deficiency in ground-based infrastructure that extends to transportation, energy transmission, and communications systems. No two communities are physically connected and no link exists between Nunavut and another jurisdiction. The DNLUP currently lists all-weather roads and hydro developments (including transmission lines) as prohibited uses in most Protected Areas.</p> <p>The GN would support <i>NLUP</i> recognition of a broader range of infrastructure corridors that can include, at a minimum, vehicular transportation, energy transmission, and/or communications systems.</p> <p>Regarding Option 1 the GN supports the current approach where Transportation Infrastructure is considered to conform to the requirements of the Plan in all areas of the NSA except where explicitly prohibited.</p> <p>The GN supports Option 2 and agrees that NPC should be engaged in early planning processes for all future infrastructure investments. Plan-embedded exceptions to ‘all-weather road’ prohibitions may be necessary, but only under specific scenarios, such as:</p> <ul style="list-style-type: none"> • where transportation linkages create new connections between communities, on the basis of high long-term socioeconomic impacts. • where no feasible alternative route is available and necessary to supply an otherwise conforming major resource project, subject to the demonstration of significant socio-economic benefits, community approval, and the possibility of mitigating significant environmental impacts. <p>The process for which NPC weighs socioeconomic benefits associated with community linkage</p>

transportation infrastructure projects needs to be clarified in the Plan. To begin, NPC should require a set of deliverables, over and above what is typically required, from all transportation infrastructure project proponents, necessary for the NPC to adequately weigh socio-economic benefits with area-specific valued components. At a minimum the documents should explain the need for the proposed infrastructure and provide an understanding of the environment, community opinion, and best practices to manage potential impacts. Special recognition should be given to the feedback provided by the original proponents of any impacted designated area.

The Plan should be clear that, notwithstanding any use prohibition or term in the Plan, nonconforming projects may move forward in the Nunavut project assessment process by obtaining either a (a) Plan Amendment or (b) a ministerial exemption (as per *NuPPAA*). Repetition of this fact, currently detailed in *Section 7 Implementation Strategy* of the NLUP may be warranted again specifically in *Sub-section 4.2.1 Transportation Infrastructure*.

Further in *Section 4.2.1* climate change should be discussed in terms of a transportation infrastructure opportunity, as well as a restraint (e.g. melting permafrost posing long-term maintenance concerns for road/airstrip projects).

Given the scale associated with territory-wide planning and the conceptual nature and variability of 'proposed transportation corridors', the GN would recommend that the NLUP *Schedule A* only identify existing or approved infrastructure projects.

REVIEWER'S RECOMMENDATIONS

Regarding Option 1 the GN supports the current approach where Transportation Infrastructure is considered to conform to the requirements of the Plan in all areas of the NSA except where explicitly prohibited; understanding that three of the four 'proposed corridors' transecting conflicting designations may have existing rights or are mid-NIRB assessment, and nonconforming corridors may be approved by applying for a Plan Amendment or a ministerial exemption under *NuPPAA*.

The GN supports Option 2 and agrees that NPC should be engaged in early planning processes for all future infrastructure investments. Further, rather than having proposed, conceptual corridors represented on Schedule A of the Plan, NPC should only identify those corridors that are approved or in existence. Instead, these corridors should be assigned to Schedule B.

Plan-embedded exceptions to 'all-weather road' prohibitions may be necessary (described in *Sub-section 4.2.1*) in certain circumstances, including:

- where transportation linkages create new connections between communities, on the basis of high long-term socioeconomic impacts.
- where no feasible alternative route is available for a necessary supply link to an otherwise conforming major resource project, subject to the demonstration of significant socio-economic benefits, community approval, and the possibility of mitigating significant environmental impacts.

Should such an exception be deemed necessary, then the process for which NPC weighs

socioeconomic benefits associated with community and development supply linkage transportation infrastructure projects needs to be clarified in the Plan. The GN would need to be involved in the development of said process should NPC deem it worthwhile to include in the Plan, particularly to inform stringent criteria/terms/requirements to ensure impacts on the environment and/or other designated areas may be adequately mitigated.

DNLUP Review Comment # 2016-9	
Organization	Government of Nunavut
Subject	Linear Infrastructure (Marine)
References	<p>DNLUP, 2014: Chapter 4- Sub-section 4.2.1 Transportation Infrastructure, p. 33-34, and Table 1- Site #47, 88, 97</p> <p>O&R. 2014. Chapter 4. Transportation Infrastructure, p. 68.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 17, Linear Infrastructure Corridors (marine).</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts.</i></p>
SUMMARY OF NPC's CONCLUSIONS	
<p>The 2014 DNLUP does not represent any marine corridors within Schedule A or discuss marine infrastructure needs in <i>Section 4.2.1</i>.</p> <p>In its <i>Considerations for Potential Refinement to the DNLUP</i> document NPC suggests two potential refinements for addressing marine linear infrastructure:</p> <ol style="list-style-type: none"> 1. Consider permitting Marine Ice-Free Shipping Corridors, Marine On-Ice Transportation Corridors, and Marine Utility Corridors in all areas. Consider including setbacks, subject to safe navigation, from sensitive areas. 2. Consider restricting Marine Icebreaking Corridors from crossing community travel routes and caribou sea ice crossings, subject to safe navigation. <p>NPC goes on to discuss the following in its <i>Considerations for Potential Refinement to the DNLUP</i> document:</p> <p><i>Notice to Mariners, Areas to be Avoided (ATBAs) listed with the International Maritime Organization (IMO), setbacks subject to safe navigation, and the marine environmental handbook have been suggested as appropriate ways to plan for use of the marine environment of Nunavut. Setbacks subject to safe navigation, at the time of writing, appears to be the most promising tool. NPC has been working to establish on-going communication with CCG's Northern Marine Transportation Corridors Initiative to ensure consistency between planning and regulations.</i></p> <p>Further the April 8th marine topics Fourth Technical Meeting identified many specific marine transportation issues pertaining to different GN mandates and interests:</p>	

Marine Shipping Issues concerning the GN's interest in tourism industry development :

- **Walrus Island:** Currently a 'community area of interest Protected Area' in the draft Plan with no marine use prohibitions/terms, though small tourism vessel interference with harvesting activities was noted by the Kivalliq Wildlife Board (KWB).
- **Moffatt Inlet:** Currently a 'community area of interest Protected Area' in the draft Plan prohibiting cruise ships and commercial shipping.
- **Foxe Basin:** Currently a 'community area of interest Protected Area' in the draft Plan prohibiting cruise ships and commercial shipping.

Marine Shipping Issues concerning the GN's wildlife regulation mandate:

- **Dolphin and Union Caribou:** Kitikmeot Inuit Association (KitIA), Kitikmeot Regional Wildlife Board, Cambridge Bay Hunters and Trappers Organization, and GN DOE raised concerns regarding ice breaking during sea-ice crossing periods (October 20 to December 1 and mid-April to June 15) between Victoria Island and the mainland. KitIA noted the importance of not impeding marine access to Inuit Owned Land.
- **Peary Caribou:** Concern for Somerset and Prince of Wales Islands crossing, though herd's lack of monitoring has made it difficult to identify crossing periods.
- **Seals:** seal pupping areas are sensitive to vessel ice breaking, resulting in high probability of seal mortality.
- **Polar Bears:** Connection to shipping disturbances to seals. General sensitivity to ice-breaking, known in particular within the Foxe Basin and western Hudson Bay.
- **Fisheries:** Char and Turbot areas of abundance are currently shown on Schedule B of the Plan, 'Direction to Regulatory Authorities'.
- **Flo Edge/Polynya:** Common areas of marine mammal and bird abundance where traditional harvesting is common; currently shown on Schedule B of the Plan, 'Direction to Regulatory Authorities'.

Marine Shipping Issues concerning the GN's interest in transportation infrastructure development:

- Demand for **serviced marine shipping corridors**, and **research** into innovative solutions to address negative shipping impacts (e.g. Baffinland noted increasing applicability of ice bridges for vessel ice tracks; Kivalliq Wildlife Board (KWB) has questioned whether marine shipping convoys could minimize impacts on Wildlife through Chesterfield Inlet).

REVIEWER'S COMMENTS AND SUPPORTING RATIONALE

The Government of Nunavut comments (4-004) regarding this topic in 2015 still apply:

Update Schedule A of the DNLUP, and maps 119 and 120 within the O&R document to reflect the existing and proposed marine transportation corridors (4-004)

Update sub-section 4.2.1 of the DNLUP to include a complete listing of existing [project-related/approved]...marine transportation corridors (4-004).

Regarding both Option 1 and 2, the Plan should approach general shipping and project-related shipping separately; with Plan designations/terms applicable to the latter category, while general shipping concerns may be addressed in the Plan by providing information/recommendations to planning stakeholders regarding specific issues.

Marine Shipping Issues concerning tourism

The GN does not support unnecessary tourism restrictions in the NLUP because potential restrictions on high-use tourism areas could have a significant negative impact on the industry. However, the GN department of Economic Development and Transportation (EDT) recognizes that there are legitimate reasons to restrict tourism activities at certain times in certain areas.

EDT's proposed updates to the *Travel and Tourism Act* may offer an alternative solution to including tourism designations in the NLUP, particularly for activities that may not be typically screened by NPC, such as small tourism vessel traffic throughout the NSA. The proposed updates to the *Travel and Tourism Act* may allow EDT to establish Restricted Tourism Areas (RTAs) in consultation with affected communities and local stakeholders. These will allow for restrictions on specific types of tourism activities in a designated area.

If consultations indicate a clear need for long standing RTAs, EDT is open to the possibility of incorporating these areas into the LUP either through Plan Amendment or Periodic Review processes. This ensures that when tourism activities are restricted in a certain area, such restrictions have been established in a manner that doesn't unnecessarily impact economic development in the territory.

Marine Shipping Issues concerning wildlife:

Dolphin and Union Caribou

The Dolphin and Union herd was assessed as a Species of Special Concern by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) in 2004, up-listed under part 4 of Schedule 1 of the federal Species at Risk Act in 2011 (SARA). Dolphin and Union caribou major feature is their sea-ice migration. They migrate to Victoria Island in the spring where they spend the summer calving; in the fall, they migrate to the mainland to spend the winter. Since 1980, the Dolphin and Union migrate from the entire south coast of Victoria Island from the Dolphin and Union Strait to Cape Colborne without interruption. Therefore, seasonal connectivity of the sea ice between Victoria Island and the mainland is essential to their migration and is associated to a healthy and viable population that can sustain harvest opportunities. An increase in ice-breaking activity and associated shipping traffic has important negative consequences for the Dolphin and Union caribou (IUCN Threat #4.3 Shipping lanes- High Impact).

Peary Caribou

During the 1970s, Prince of Wales and Somerset islands supported a thriving population of Peel Sound Peary caribou at the southern edge of their range, with more than 5000 caribou estimated on the islands in a 1980 survey. The numbers subsequently crashed, and by the 1990s only a handful of caribou were seen on the islands. Movement patterns of caribou at low densities are often different than at high densities, so the current migration routes and space use of caribou on the islands are unknown, but movement patterns prior to the crash were well-known and reported by Inuit Qaujimajatuqangit. In the 1970s, caribou wintered on Somerset Island and crossed the ice of Peel Sound to Prince of Wales Island, where snow was more shallow and melted more quickly, to calve and spend the summer. Other caribou moved from Boothia Peninsula to Somerset and Prince of Wales islands in the late winter/spring, migrating back in fall or winter after freeze-up.

Crossing among islands is not limited to one season, and caribou may move among the islands any time

of year – even swimming in the summer. Cameron Island, the northwestern-most island in the Governor General Group in the Bathurst Island Complex, is important winter range and is not included in Qausuittuq National Park. The other islands in the Governor General Group are known calving areas, but are protected in the new national park, along with sea ice crossing areas.

Longer distance ice-crossings are also frequently undertaken by Peary caribou, including between Bathurst Island and Little Cornwallis and Cornwallis Islands, Devon Island, Loughheed Island, Prince of Wales Island, and Somerset Island, although the frequency of these movements varies and may not be predictable. Some of the longer movements coincide with ground-fast ice and lack of forage, and are termed ‘desperation movements,’ as opposed to migration or dispersal.

Sea ice crossing are a major feature of Peary caribou ecology, key to their persistence in the Arctic Archipelago. As such, many crossings were identified during community consultations for the Peary Caribou Recovery Strategy. Genetic work currently underway supports the inter-island nature of populations and the importance of connectivity within and among populations.

Polar Bears

Polar bears use the sea-ice platform to hunt and feed, and for finding mates. Timing of when sea ice forms across Nunavut in particular areas varies, but in general many areas start to form ice during late October/November, and retain ice until June/July. During that time bears feed, and mate, and look for more food until the ice melts out. Some polar bear subpopulations have seasonal sea-ice where the summer months are completely or mostly ice free (e.g., Hudson Bay, Foxe Basin, Davis Strait, Baffin Bay). Other regions retain sea-ice even during the summer months, although at lower concentrations and quality (e.g., M’Clintock Channel, Gulf of Boothia, Lancaster Sound, Kane Basin, Norwegian Bay).

Over the past 15-20 years, the Arctic has experienced dramatic increases in ambient temperatures, and changes in sea ice quantity and quality where, depending on the region, sea ice has become more fragmented, or changed in composition. As well, freeze-up and break-up timing has been altered significantly in many areas, likely reducing the feeding period of bears on the sea-ice platform. Seal species like the ringed seal, are likely also affected by these environmental changes.

There is not a lot of detailed information on how shipping will directly affect polar bears’ feeding, mating, and movements. However, it is very likely that bears are disturbed should shipping occur year-round in areas that bears prefer for feeding/breeding. Ice-breaking activities destroys ice, makes plates smaller, creates leads, is noisy and could have various negative effects on bears – however there is very little scientific data currently in existence to demonstrate these effects because of the difficulty in obtaining such data.

Areas where polar bears are likely affected the most are Foxe Basin and western Hudson Bay due to known project-shipping activities. One aspect to consider when these ice-breaking activities occur is the frequency, with which they occur, and that prey of polar bears will be affected as well – seals have sensitive hearing and likely stay away from areas that are traversed – ultimately so will bears – this could reduce food intake in times when on-sea-ice periods are already shortening.

REVIEWER’S RECOMMENDATIONS

Notwithstanding any of the following marine transportation recommendations, the GN recommends further Commission coordination with the Government of Canada to first address federal concerns regarding 2014 DNLP prohibitions and restrictions to marine vessel traffic (particularly in the Moffett Inlet and Foxe Basin areas) within the NSA. It is vital that NPC develop a Plan that addresses community and other planning stakeholder concerns regarding marine transportation while: (a) respecting any limitations to its authority to impose restrictions; (b) coordinating and avoiding conflict with paralleling regulatory processes/tools/legislation; and (3) imposes restrictions that are not unduly prohibitive where terms may adequately address planning stakeholder concerns.

- At this time the GN does not support unnecessary, prohibitive restrictions on tourism activities requiring marine transportation in the Plan, and recommends continued coordination between appropriate regulatory agencies to better understand any legal limitations to the Commission's authority to impose such marine transportation restrictions.

Regarding both Option 1 and 2, the Plan should likely approach general shipping and project-related shipping separately; with Plan designations/terms potentially applicable to the latter category, while general shipping concerns may be addressed in the Plan by providing information to planning stakeholders regarding specific issues. The GN recommends that NPC continue to explore indirect methods of addressing marine shipping concerns through its role in the Nunavut Marine Council, as well as by coordinating with regulatory authorities in ensuring shipping concerns are adequately addressed in processes paralleling the planning framework:

- *Notice to Mariners, Areas to be Avoided* (ATBAs) listed with the International Maritime Organization (IMO);
- Canadian Coast Guard development of a *Northern Marine Transportation Corridors Initiative*;
- GN's Department of Economic Development and Transportation's review of its Travel and Tourism Act, and potential development of Restricted Tourism Areas.

Regarding Option 1: The GN would generally be supportive of NLUP setbacks (subject to safe navigation and coordination with the appropriate federal regulatory agencies) imposed on project-related shipping, where necessary to mitigate impacts on wildlife and/or address community concerns. However, the GN would need to review any implications applicable to any specific newly proposed designated area with setbacks, in order to determine its support for areas on a case-by-case basis. Therefore the GN recommends any newly proposed designated area, not included in the 2014 iteration of the Draft Plan, be created via a Plan Amendment or the Plan's 3-5 year periodic review.

Regarding Option 2: The GN supports the future inclusion of additional Community Area of Interest designated areas (including sea-ice Special Management Areas with seasonal terms regarding ice-breaking) through either Plan Amendments or the Plan's periodic review, subject to safe navigation and coordination with the appropriate federal regulatory agencies. However, the GN would need to review implications applicable to any newly proposed Special Management Areas, in order to determine its support for their inclusion on a case-by-case basis.

- One marine area for NPC to consider future project-related ice-breaking restrictions would be between Victoria Island and the mainland (Dolphin and Union Strait to Cape Colborne) where the Dolphin and Union caribou herd's sea ice crossings are known to take place between the periods of October 20 to December 1, and mid-April to June 15.
- Moreover given the importance of sea-ice to Peary caribou, seal, and polar bear ecology, **precise delineation and appropriate land use treatment of critical wildlife sea-ice habitats**

should be listed as priority within *Section 7.13 Additional Research and Studies*.

The GN recommends that research into solutions to address negative shipping impacts be noted in *Section 7.13 Additional Research and Studies*:

- Applicability of marine shipping convoys to minimize impacts on Wildlife and ensure Inuit traditional use of sea-ice.

DNLUP Review Comment # 2016-10	
Organization	Government of Nunavut
Subject	Existing Rights
References	<p>DNLUP, 2014: Chapter 7- Sub-section 7.6 <i>Existing Rights</i>, p. 46-47</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 18, <i>Existing Rights</i></p> <p>Government of Canada <i>Clarification of Existing Rights</i>, distributed to Planning parties on December 10th 2015.</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts.</i></p>
SUMMARY OF NPC's CONCLUSIONS	
<p>In the 2014 DNLUP NPC defines existing rights in <i>Section 7.6 Existing Rights</i>:</p> <p><i>7.6 Existing Rights</i> <i>In accordance with NUPPAA transitional clauses the approved Plan does not apply to:</i></p> <ul style="list-style-type: none"> <i>(a) a project that is being assessed or is being, or has been, lawfully carried out on the day on which the Plan comes into force;</i> <i>(b) a project that was approved before the day on which the Plan comes into force, was commenced and then stopped or shut down for a period of less than five years, calculated from that day;</i> <i>(c) the rebuilding of a work that has been closed for a period of less than five years calculated from the day on which the Plan comes into force, if it relates to a project that was approved before that day and lawfully carried out; and</i> <i>(d) a project that was approved before the day on which the Plan comes into force and commenced within five years of that day.</i> <p><i>For greater certainty a land use plan or plan amendment will not apply to project proposals with existing rights.</i></p> <p><i>Despite the above, if, after the Plan comes into force, there is a significant modification to a project referred to in any of paragraphs (a) to (d), the Plan applies to that project.</i></p> <p>In their Considerations for Potential Refinement to the DNLUP document NPC asks: "Should projects with existing rights be required to conform to the land use plan if there is a significant modification to the project, including for the advancement from mineral exploration to mine development?"</p> <p>NPC suggests two potential refinements for addressing existing rights in the NLUP:</p>	

- (1) Consider exempting projects with existing rights from the NLUP, including modifications necessary to advance to different stages of their life-cycle; and
- (2) Explicitly noting in the NLUP that plan amendments relating to proposals involving significant modifications to projects with existing rights will be considered in areas where the uses do not conform to the NLUP.

REVIEWER'S COMMENTS AND SUPPORTING RATIONALE

The Government of Nunavut comments (4-006 and 7-009) regarding this topic in 2015 still apply:

Provide additional clarification in section 4.3 Alternative Energy Sources on how the Iqaluit Hydroelectricity Project, particularly the Armshow South site, will be addressed in the future (4-006).

Provide additional detail on the NPC's procedures for conformity determinations for significant modifications to projects with existing rights. Include a definition of what constitutes a "significant modification" to a project with existing rights, including criteria or factors (7-009).

Regarding the two January 2016 Options presented by NPC, the GN cannot support either Option at this time.

REVIEWER'S RECOMMENDATIONS

Regarding the two options presented by NPC, the GN cannot support either option at this time.

The GN supports Nunavut Tunngavik Incorporated's March 22nd 2016 (letter) request to NPC, recommending **the Commission should obtain a third-party legal review of any limitations to its statutory authority to grant 'existing rights' in the NLUP.**

The GN may also be supportive of further collaborative discussions between NPC, GN, GOC, and NTI to better decipher any NuPPAA mandated direction on the matter of existing rights.

DNLUP Review Comment # 2016-11	
Organization	Government of Nunavut
Subject	Direction to Regulatory Authorities
References	<p>DNLUP, 2014: <i>Schedule B and Table A</i></p> <p>O&R. 2014. Chapter 1. <i>General Options Considered p. 4.</i></p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 19, <i>Direction to Regulatory Authorities.</i></p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts.</i></p>
SUMMARY OF NPC's CONCLUSIONS	
<p>In its <i>Considerations for Potential Refinement to the DNLUP</i> document NPC suggests two potential refinements for addressing 'direction to regulatory authorities':</p> <ul style="list-style-type: none"> (1) Including specific conditions for land use, where there is sufficient information available to justify such a condition; and (2) Changing the wording from "Direction to Regulatory Authorities" to "Information for Decision-makers"). <p>Relating to Option 1, in its <i>Considerations for Potential Refinement to the DNLUP</i> document NPC is further considering a Mixed Use designation for polar bear denning areas, heritage rivers, community drinking water supply watersheds, and some seasonal caribou habitats due to the absence of recommended terms or conditions for these currently proposed Special Management Areas.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The GN comments (1-004, and 1-005) regarding this topic in 2015 still apply:</p> <p><i>Within municipal boundaries:</i></p> <p><i>-The Plan applies to Project Proposals that have ecosystemic impacts outside the municipality; Projects involving the deposit of waste by a municipality, the bulk storage of fuel, the production of nuclear or hydroelectric power or any industrial activity within the municipal boundary are subject to Direction to Regulatory Authorities(1-004)</i></p> <p><i>The text related to 'Direction to Regulatory Authorities' on p. 45 – 46 and provided in various designations in Table 1 should be clarified to reflect that regulators must consider the need for proponents to mitigate impacts as identified in a specific land use designation/area as part of the review process (1-005).</i></p>	

Regarding Option 2 or changing the wording of ‘direction to regulatory authorities’ to ‘Information to decision-makers’, this re-phrasing is an improvement, yet ‘information to planning stakeholders’ would be the preferred phrasing recommended by the GN. In cases where directions need to be applied through the Plan these must always be directed to project proponents.

Regarding option 1, where geospatial data is available to support Special Management Areas with specific terms/conditions, the GN would generally support these. In the context of polar bear denning areas, heritage rivers, community drinking supply watersheds, and some seasonal caribou habitats, the GN has recommended specific terms for NPC to consider (please see comments for these respective topics).

REVIEWER’S RECOMMENDATIONS

The GN is in support of options 1 and a revised version of option 2: the GN recommends NPC revise ‘direction to regulatory authorities’ phrasing to ‘information to planning stakeholders’

Note that wherever directions need to be applied in the Plan, these should be directed to project proponents.

DNLUP Review Comment # 2016-12	
Organization	Government of Nunavut
Subject	Cumulative Impact Referrals
References	<p>DNLUP, 2014: Chapter 1, Sub-section 1.5.4. <i>Land Use Designations</i>, p. 20, Table 1 – Site # 1-46,48,49,50, 88-89, 103-113</p> <p>O&R. 2014. Chapter 2 and 3. , p. 5-61.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 20. <i>Cumulative Impacts Referrals</i>.</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts</i>.</p>
SUMMARY OF NPC's CONCLUSIONS	
<p>In its <i>Considerations for Potential Refinement to the DNLUP</i> document NPC suggests two potential refinements for addressing cumulative impact referrals:</p> <ol style="list-style-type: none"> 1. <i>Consider removing cumulative impact referrals as a Term of the plan. Implications: This would mean that (without further refinements), the following Special Management Areas would become Mixed Use and be moved from Schedule A to Schedule B:</i> <ul style="list-style-type: none"> • polar bear denning • walrus haul outs • caribou calving and post-calving areas with high mineral potential • some Heritage Rivers • community drinking water source watersheds) 2. <i>Consider including considerations for referring project proposals normally exempt from screening to the NIRB due to cumulative impacts concerns (those suggested by GOC and noted above or those currently being implemented through the NPC's Internal Procedures):</i> <p><i>Questions such as, but not limited to the following, will assist NPC staff in determining if a project proposal that falls within Schedule 12-1 of the NLCA should be referred to the NIRB because of cumulative impact concerns:</i></p> <ol style="list-style-type: none"> (a) <i>Does the project proposal occur in the same general location as a previous project OR where there is an existing project OR a proposed project?</i> (b) <i>Does the project proposal use the same resources as past projects OR as a current project OR as a proposed project?</i> 	

(c) Does the project proposal occur in an area where there is a sensitive environmental system?

(d) Does the project proposal have the potential to induce activity (e.g., could its implementation lead to additional activity in the region)?

REVIEWER'S COMMENTS AND SUPPORTING RATIONALE

The Government of Nunavut comments (4-004 and 7-009) regarding this topic in 2015 still apply:

It is recommended that this passage on p. 46 of the DNLUP be reworded to clarify that, where there are cumulative impact concerns, it is the NPC's obligation to refer Schedule 12-1 exempt project proposals to the NIRB for screening, irrespective of the land use designation the project proposal occurs in (7-004)

Based on Articles 12.3.2 and 12.3.3 of the NLCA, and sections 78 and 80 of NUPPAA, the process by which the NPC confers with the NIRB and the NWB regarding cumulative impact concerns of Schedule 12-1 exempt projects, and how it will be consistently applied, should be clearly described in the wording of the Chapter 7 Implementation Strategy (7-011)

Clarify the scope of community concern regarding the cumulative impacts of research projects in the high Arctic and Ellesmere Island (7-023)

Clarify the process, if any, which will be in place to address concerns related to the cumulative impacts of research projects in the high Arctic and Ellesmere Island (7-023)

Generally the GN agrees that having NPC's cumulative impact referral power listed as Plan terms associated to specific designated areas may not be appropriate. Rather this power provided to NPC through *NuPPAA* should be clearly described - along with the criteria for which impacts are measured - within *Section 7 Implementation Strategy* of the Plan.

Regarding option 1, where geospatial data is available to support Special Management Areas with specific terms/conditions, the GN would generally support these. In the context of polar bear denning areas, heritage rivers, community drinking supply watersheds, and some seasonal caribou habitats, the GN has recommended specific terms for NPC to consider (please see comments for these respective topics).

REVIEWER'S RECOMMENDATIONS

The GN is in support of both options presented by NPC in their *Considerations for Potential Refinement to the DNLUP* document: cumulative impact referrals to NIRB should not be listed as a term for specific designated areas, and criteria for NPC referrals should be detailed within the Plan.

For clarity NPC's cumulative impact referral power, and the corresponding assessment criteria, should be detailed in *Section 7 Implementation Strategy* of the Plan.

DNLUP Review Comment # 2016-13	
Organization	Government of Nunavut
Subject	Overlapping Designations
References	<p>DNLUP, 2014: Chapter 7- Sub-section 7.4, p. 46</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 21, <i>Overlapping Designations</i>.</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts</i>.</p>
SUMMARY OF NPC's CONCLUSIONS	
<p>S. 7.4 of the 2014 DNLUP states, “[i]n some instances, Protected Areas and Special Management Areas may overlap. When this occurs, all requirements of the Land Use Designation, Terms, Direction to Regulators and Priorities and Values apply.”</p> <p>In its Considerations for Potential Refinement to the DNLUP document NPC suggests a potential refinement for addressing overlapping designations:</p> <p>1. Consider the need to create new land use designations where they intersect, or if the requirements of both designations can apply.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The GN submitted the following comment to NPC:</p> <p><i>Remove the wording providing for the potential overlap of Protected Areas and Special Management Areas on p. 46 of Section 7.4 of the DNLUP (7-006).</i></p> <p>Generally, the GN wants clarity concerning overlapping designations and their use in the Plan. This should be clear for the benefit of all planning stakeholders and persons who will rely upon the <i>NLUP</i>. Clarity may not be achieved by adding a land use designation for overlapping areas. Rather it is recommended that NPC provide an example in the Plan explaining when such a scenario may occur:</p> <p><i>There are some instances where designations intersect and provide complimentary management. i.e. setbacks for migratory bird habitat intersecting with the proposed NMCA in</i></p>	

Lancaster Sound which includes prohibited uses but no setbacks (NPC, January 2016)

REVIEWER'S RECOMMENDATIONS

The GN recommends rather than creating a new land use designation, NPC may revise *Section 7 Implementation Strategy* of the Plan to more clearly describe where and how the land use plan applies where overlapping designations occur. Instances of overlapping designations are not clearly identifiable on *Schedule A* of the Plan given the large spatial scales being represented. Providing the following NPC example in *Section 7* of the Plan may provide clarity for all planning stakeholders: “setbacks for migratory bird habitat intersecting with the proposed NMCA in Lancaster Sound which includes prohibited uses but no setbacks” (NPC, January 2016).

Further the following sentence could be revised to clarify how the Plan treats overlapping designations: “When this occurs, ~~all the more prohibitive requirements/restrictions of the overlapping Land Use Designations, Terms, Direction to Regulators and Priorities and Values~~ apply.”

Further proponents with a proposed project-area located where designations overlap should be encouraged in *Section 7* of the Plan to consult NPC prior to submitting an application for conformity, in order to better understand the land use constraints pertinent to their proposal.

DNLUP Review Comment # 2016-14	
Organization	Government of Nunavut
Subject	Accessory Uses
References	<p>DNLUP, 2014: Chapter 1- Sub-section 1.4.3.<i>Decision Making</i>, p. 17; 7.5 <i>Generally Permitted Uses</i>, p. 46 and Definitions, 'Accessory Use'.</p> <p>O&R. 2014. Chapter 4. <i>Community Drinking Water Supplies</i>, p. 72.</p> <p>Considerations for Potential Refinements to the 2014 Draft Nunavut Land Use Plan, January 2016: Issue 22, <i>Accessory Uses</i>.</p> <p>NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts</i>.</p>
SUMMARY OF NPC's CONCLUSIONS	
<p>In its Considerations for Potential Refinement to the DNLUP document NPC suggests three potential refinements for addressing accessory uses:</p> <ul style="list-style-type: none"> (1) refine definition of Accessory Use and frame scenarios and examples of accessory uses in order to prevent project splitting; (2) consider accessory uses to be those that do not create a "significant modification" to a project or project proposal; and (3) Eliminate accessory uses from NLUP. 	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The GN's has made a prior comment concerning accessory uses, namely 7-008 included in our 2015 first technical meeting submission. The GN comments sought clarity concerning the use of the term 'accessory use':</p> <ul style="list-style-type: none"> -<i>Revise the definition to include clarifying information on what constitutes an "accessory use" under the DNLUP. Detailed criteria and examples of acceptable accessory uses should be included for reference by users.</i> -<i>Include additional detail in the Chapter 7: Implementation Strategy on the conformity determination process for accessory uses and an explanation of its role in the project proposal application process (7-008).</i> <p>For clarity, the GN recommends that NPC eliminate the term accessory uses from the plan.</p>	

REVIEWER'S RECOMMENDATIONS
The GN supports Options 3. The GN supports the elimination of the term accessory use from the Plan.

DNLUP Review Comment # 2016-15	
Organization	Government of Nunavut
Subject	Climate Change
Related Issues	Transportation Infrastructure (terrestrial) Transportation Infrastructure (marine) Cumulative Impacts Referrals Direction to Regulatory Authorities
References	DNLUP, 2014: Chapter 2- Sub-section 2.3. <i>Climate Change</i> , p. 26. O&R. 2014. Chapter 2. <i>Climate Change</i> , p. 47. NPC. 2015-2016. <i>DNLUP Nunavut Planning Commission 1st, 2nd, 3rd, and 4th (video recordings) Technical Meeting Transcripts</i> .
SUMMARY OF NPC's CONCLUSIONS	
<p>In the 2014 DNLUP the commission notes the following objective pertaining to climate change:</p> <p><i>[C]ontrol and minimize greenhouse gas emissions, monitor climate change impact, encourage the development and adoption of adaptation strategies, and consider issues relating to changes in the landscapes due to climate change, such as the loss of glaciated terrain and permanent snow (p.26).</i></p> <p>In terms of land use management the following is included in the 2014 DNLUP:</p> <p><i>Direction is given to regulatory authorities to address the Commission's objectives on climate change during the review of Project Proposals.</i></p> <p>There is no mention of climate change in NPC's <i>Considerations for Potential Refinement to the DNLUP</i> document.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>NPC is advised to change the direction to regulatory authorities for climate change to 'direction to project proponents' (see <i>Direction to Regulatory Authorities</i> comment): direction is given to project proponents to provide NPC with information concerning: (1) suspected greenhouse gas emissions, (2) susceptibility to associated climate change risks; and where risks exist (3) climate change adaptation strategies, to inform their cumulative impacts referral to NIRB assessments. Specifically these directives to proponents may inform cumulative impacts concern (c) "[d]oes the project proposal occur in an area where there is a sensitive environmental system?"</p>	

The multivariate and cumulative nature of climate change positive feedback loops should be discussed in *Chapter 2- Sub-section 2.3.Climate Change*. NPC is advised to note the probable increasing applicability of their cumulative impacts referral power due to climate change. Climate Change is likely to increase the sensitivity of Nunavut’s northern and high-Arctic ecosystems, posing more severe risks and adaptation requirements to individual projects, as well as their cumulative impacts to their surrounding environmental systems.

NPC should consider adding a more comprehensive list of climate change concerns or information gaps within *Section 1.4.5* and *Section 7.12 Additional Research and Studies* in the Plan. The current research priorities relating to climate change are focused on marine water salinity levels: “Identify how increases in the amount of freshwater entering the marine environment will impact salinity levels and temperature of key marine habitats over time” (p.51). NPC should consider adding additional research priorities relating to climate change (e.g. permafrost stability, severe weather frequency, precipitation changes, marine shipping route feasibility, adaptation strategies).

Climate change research concerns directly impact adaptation requirements for resource and infrastructure development within the territory, and for proponent clarity this connection should be drawn throughout the different pertinent sections of the Plan. Climate change connections throughout the Plan should highlight both expected opportunities and restraints regarding land use. For example in *Section 4.2.1. Transportation, Infrastructure* climate change should be discussed in terms of an opportunity in the case of melting sea ice increasing the feasibility of responsible marine shipping, as well as a restraint in terms of melting permafrost posing maintenance costs for all-weather road projects or airstrips.

Additionally in *Section 2.1.5.2* of the Plan NPC notes: “The location of polynyas may change over time due to climate change and other environmental factors, however they should continue to be highlighted and their location be reviewed as part of the periodic review of the Plan.” Therefore the locations and health of polynyas and other critical terrestrial and marine wildlife habitats, given potential shifts due to climate change, should potentially be listed as a research priority in *Section 7.12* of the Plan. Research into these potential shifts in critical habitats over time due to climate change should complement NPC’s periodic reviews of the Plan.

Note that research priorities within in *Section 7.12* of the Plan should not be written to be obligatory, unless directed to project proponents.

REVIEWER’S RECOMMENDATIONS

Any directions related to climate change must be directed to project proponents, not regulatory authorities.

Add a more comprehensive list of non-obligatory climate change research priorities to *Section 7.12 Additional Research and Studies* of the Plan, as well as note climate change adaptation opportunities and restraints to land-uses throughout the Plan.

NPC is advised to note the probable increasing applicability of their cumulative impacts referral power due to climate change within *Sub-section 2.3 Climate Change*.

DNLUP Review Comment # 2016-16	
Organization	Government of Nunavut
Subject	Previous GN Land Use Recommendations
SUMMARY OF NPC's CONCLUSIONS	
In its <i>Considerations for Potential Refinements to the 2014 DNLUP</i> document NPC outlines 22 outstanding issues for planning parties to consider. Omitted in this document are many of the issues discussed by the GN and other planning parties within their prior 2014 and 2015 submissions.	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>At the Third Technical Meeting for the 2014 DNLUP, GN representatives verbally requested written confirmation concerning NPC's deliberation on previous, omitted recommendations included in prior submissions. No such written analyses of previous recommendations, outside of the <i>Considerations for Potential Refinements to the 2014 DNLUP</i> document, have been provided by NPC to-date.</p> <p>Note that all of the GN's previous recommendations made in prior submissions still apply. However where recommendations differ the suggestions included herein prevail.</p>	
REVIEWER'S RECOMMENDATIONS	
<p>Note that all of the GN's previous recommendations made in prior submissions still apply. However where recommendations differ the suggestions included herein prevail.</p>	