

Consultation Guide

For Communities and Proponents

“Getting Ready for Conformity Determination by the
Nunavut Planning Commission”



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Qikiqtani Inuit Association

FOREWORD

This Guide is a work in progress initiated by the Qikiqtani Inuit Association's Lands and Resources Department. It is intended to assist communities and Proponents in consultation efforts prior to the submission of project proposals to the Nunavut Planning Commission for conformity determination.

It does not replace all applicable territorial and federal legislations or regulatory requirements.

List of Acronyms

CLARC – Community Lands and Resources Committee

EA – Environmental Assessment

HTO – Hunters and Trappers Organization

NIRB – Nunavut Impact Review Board

NLCA – Nunavut Land Claim Agreement

NLUP – Nunavut Land Use Plan

NPC – Nunavut Planning Commission

QIA – Qikiqtani Inuit Association

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The Nunavut Planning Commission Conformity Determination

A conformity determination is the review of a Project Proposal by the Nunavut Planning Commission (NPC) to determine if it complies with the existing land use plans.

The current Draft Nunavut Land Use Plan (NLUP) sets out a long-term vision for Nunavut where:

- Residents are employed at all levels of a long-term healthy, sustainable, renewable and non-renewable resource economy that brings financial and social benefits to the communities.
- Healthy communities maintain strong connections to Inuit culture and heritage.
- A network of Parks and Conservation Areas protects sensitive habitat and important areas.
- The integrity of the natural environment is preserved and the disruption of ecosystems has been avoided.
- Decisions are made through discussion and consensus, with the informed involvement of all land use planning partners in the region.

Conformity determination is the first step in the review process for a project proposal. The Qikiqtani Inuit Association (QIA) is a planning partner as are interested individuals and communities and should be provided a formal role in determining conformity of all land use applications and project proposals. QIA has developed this guide to assist communities and Proponents to best prepare themselves.

Purpose of Community Consultation

Section 12.5.5 of the Nunavut Land Claim Agreement (NLCA) has established a set of rules for what needs to be taken into account when reviewing project proposals. Among these is the requirement to take into account the well-being, values and priorities of residents and communities. It is in the interest of Proponents, to involve community members in the design of their projects in order to better understand and incorporate their expectations.

The Qikiqtani Inuit Association is proposing a method to continuously involve communities in the land use planning and project review processes. The first step is to introduce a requirement for community notification and consultation into the conformity determination stage of project review.

According to the Nunavut Planning Commission's "Implementing the Nunavut Land Use Plan" document, section 4.2 lists various requirements for community engagement and notification. Section 4.2.2 states that *information regarding project proposals in the NSA shall be readily available to ensure that residents of the NSA are aware and informed of development activity as and where it occurs.*

NPC has identified that *the extent and nature of notification will be carried out in accordance with the "Notification Guidelines" prepared and approved in accordance with section 17 of the NUPPAA and that the NPC will not accept or consider project proposals that have not met the "Notification Guidelines."*

The recommendations in this *Consultation Guide* will thus form an integral part of the NPC *Notification Guidelines*.

Nunavut Planning Commission (NPC) Conformity Determination Process

- Prior to the NPC receiving a project proposal for conformity determination, the Proponent will be required to undertake the appropriate level of community consultation and/or notification based on this guide. The Proponent should allow for an appropriate amount of time in order to undertake the necessary consultation and/or notification.
- This guide outlines the minimum level of consultation and/or notification required based on scale of proposed activities. The guide provides a map indicating which communities may be most affected by a project in a given region. The Proponent shall engage with the affected communities as outlined in the “Notification, Informing and Consulting Communities” section.
- A list of appropriate groups to receive project proposals is based on the level of activity proposed which is outlined in the “Notification, Informing and Consulting Communities” section and also in Appendix 1.
- It is the responsibility of the Proponent to contact QIA if they require a discussion with their Community Lands and Resource Committees (CLARCs). Be advised that at least two weeks’ notice will be required.
- QIA will provide technical assistance when requested by a CLARC.
- For all meetings with CLARCs the Proponent will be requested to provide financial assistance.
- The Proponent will provide NPC with a report on the results of the community consultations for consideration in their conformity determination. This shall be submitted using the attached “Proponent Consultation Report” for the purposes of summarizing feedback from the communities (See Form 1). This record of consultation will then be forwarded to NIRB and QIA along with the conformity determination.
- The Proponent will be responsible for administering the use of the Community Checklist (Form 2). This form will serve as a method to review the Proponent’s engagement efforts with each community interest group. It will be the Proponent’s responsibility to forward the completed Community Checklists to the NPC and QIA.
- NPC will notify affected communities and QIA when they have received a complete application from a Proponent.
- Upon completion of the conformity determination process, the NPC will also make its final analysis available to QIA and the affected communities.

When determining whether or not a project proposal is complete, the NPC shall consider the following:

- Satisfactory documentation of the Proponent’s engagement efforts with affected communities (Form 1)
- Review of Community Checklist (Form 2) responses from various community interest groups as required based on the scale of activity.

The QIA Lands and Resources Department

The Lands and Resources Department of QIA is responsible for:

- Administering land and resources practices;
- Communicating with Community Lands and Resources Committees
- Providing advice on land and resources issues;
- Developing land and resources policies and procedures; and
- Maintaining records and a filing system of information pertinent to the Lands and Resources Department

The number of land use applications in the Qikiqtani Region has greatly increased in recent years and the Department's workload has increased accordingly. QIA has issued a number of exploration permits on Inuit-owned lands in the region to companies prospecting for base metals, gold, and diamonds. QIA has also processed numerous land use applications from scientific researchers in the region, with a vast majority proposed to occur in the High Arctic.

Community Land and Resources Committees (CLARC) are tasked with reviewing applications for work on Inuit owned lands and on nearby crown lands. CLARCs provide an important link to the communities. They enhance knowledge of the rights and obligations of the Inuit in the region and members can act as resource persons for communities regarding development and other land use activities in Nunavut. The CLARC members are well placed to make consistent and informed decisions.

When CLARCs are ready to report on their decisions, they must provide reasons for recommending approval or denying an application. This can provide both QIA and Proponents with valuable information regarding project proposals.

Communities that Require Consultation Based on Project Location and Scope

QIA has created a map (Figure 1) that divides the Qikiqtani into 13 regions. The boundaries on the map outline each community's area of influence. Any proposal that lies within a community's boundary, whether it is on IOL or Crown Land would require a consultation with the community. It is important to QIA that communities are consulted early in the process and are informed of activities that could impact the land or water within, or adjacent to, their community boundaries.

QIA will hold community consultations to confirm the boundaries on the attached map and create community engagement guidelines for the Qikiqtani region. Feedback from community consultations will also help clarify instances where community boundaries cross a common watershed or where more than one region is potentially impacted by a project or activity.

Figure 1: Map of Proposed Community Areas of Interest



Notification, Informing and Consulting Communities

All proposed projects and land use activities require notification to the affected community as described below.

The type and scale of a project proposal will determine who in a community needs to be consulted. QIA, in coordination with the CLARCs can assist a Proponent in identifying who they must inform and who they must formally consult.

In each community there are a number of individuals and community interest groups who may have varying knowledge related to a project proposal, and as such, can be approached by a Proponent for their areas of expertise. (See Appendix 1 – “Community Interest Groups”)

Type 1 Projects

Type 1 projects are the lowest scale of activity that require notification and consultation based on this guide. In most cases, this shall include activities such as:

- Research being undertaken by educational institutions or government agencies,
- Remediation of contaminated sites,
- Tourism operations and
- Filming.

The Proponent is required to provide the following information to the appropriate community authorities (See appendix 1). At minimum, the **bolded** requirements should be made available in both Inuktitut and English:

- **Plain language description of the research project**
- **Plans for local hire and training**
- Plans for reporting results to the community
- Funding sources
- Timelines

Type 2 Projects

Type 2 projects are of a higher scale of activity and require notification and consultation based on this guide. This projects include activities such as:

- Exploration,
- Sampling,
- Tank farm construction
- Geochemistry
- Aeromagnetic surveys
- Seismic testing
- Power generation projects, and
- Major mine development.

Furthermore, any project that involves aerial surveys over Inuit Owned Land will require a conformity determination with the Nunavut Land Use Plan and is automatically considered a *Type 2 project*.

The Proponent is required to provide the following information to the appropriate community authorities (See appendix 1). At minimum, the **bolded** requirements should be made available in both Inuktitut and English:

- **Proponent information**
- **Non-technical, plain language project summary including timing, remediation and project alternatives**
- **Plans for local hire and training**
- Wildlife mitigation and monitoring plans
- Spill contingency plans
- Reclamation plans
- A map of the project area
- History of consultation and how it has led to changes in project description
- Plans for reporting to the community
- List of required authorizations

For the Proponent of all Projects:

Proponents have an interest in the consultation process since their project may be at risk if consultation is inadequate. Note that once a project proposal moves into conformity determination by the NPC, a detailed report on consultation efforts and results is expected. By consulting with Inuit communities early on, Proponents can also help build good relationships, share necessary information, and reduce the risk of future challenges to government decisions. Creating good relationships with Inuit can help Proponents attract a motivated workforce once operations begin. Industry is facing a growing skill and labour shortage and Inuit workers can help fill this need. Inuit communities must also benefit from the employment, training and economic growth opportunities from development.

Ultimately, it is the Proponent that is best-positioned to inform Inuit communities of the details concerning a proposed project. The Proponent can effectively describe their project, identify technical issues and consider how to adjust their proposal or Environmental Impact Statement (EIS) to address issues raised during consultation activities. QIA will rely on the Proponent's work with potentially affected communities throughout the EA process to assist in determining a projects potential impact.

Proponent Engagement with Communities

The following procedural aspects of consultation will be assigned to the Proponent:

- Directly provide required information to the appropriate groups (RIA, Hamlet, HTO, CLARC, public, etc.) to ensure they are reasonably informed as to the nature of the proposed activities and are aware of any potential environmental impacts. In most cases, a face to face discussion is optimal.
- Engage with the Inuit and community members to identify and discuss specific potential adverse impacts of the project Inuit rights, traditional harvesting and Inuit land use.
- Consider the views of Inuit and community members and where necessary, work with the community(s) to avoid or minimize adverse impacts on Inuit rights, traditional harvesting and Inuit land use.
- Where requested by the community, QIA or NPC participate in follow-up consultations with the RIA, Hamlet, HTO, CLARC's or public.
- Proponents are encouraged to maintain communication with QIA throughout the engagement process to obtain assistance and support. This will help to avoid any unnecessary delays in the process.

Potential Outcomes of NPC Determination

Please be aware that upon review of the completed engagement form, NPC may provide Proponents with the following feedback:

- Consultation efforts undertaken are satisfactory, and no further actions are required prior to a decision being made;
- Consultation efforts undertaken were not satisfactory, and additional consultation efforts are required prior to a decision being made;
- Proponent participation in follow-up consultation discussions between the company and Inuit communities is requested; or,
- Proponent participation in ongoing consultations with the Inuit communities regarding the proposed project at a subsequent regulatory phase may be requested, should NIRB screen the project.

Form 1: Proponent Consultation Report

The Proponent must document their consultation efforts. A consultation report must include the following and be sent directly to the NPC:

1. A summary of attempts to contact and steps taken to engage RIA's, Hamlet, HTO, CLARC's or other groups or individuals identified by QIA and the public.
2. Identification of community concerns related to specific potential adverse biophysical, socio-economic, cultural impacts on Inuit.
 - For example:
 - i. Are Inuit presently using the land area in question, has it been recently used?
 - ii. Is the proposed land use activity requested in conflict with Inuit land use?
 - iii. How long will this activity be on the land?
 - iv. Will it be on the land at a time when wildlife would be there?
3. How were the concerns identified considered and, where appropriate, addressed by the Proponent;
4. Are there any outstanding issues the Proponent was unable to address and why;
5. Were any agreements developed with the community(s), is yes, describe.
6. Will the proposed activity benefit the Inuit or the communities economically?
7. Describe any other relevant information related to community discussions.

Form 2: Community Checklist

Project Name: _____

Date: _____

Your Organization (Ex: Hamlet, HTO, Individual, etc): _____

Was information provided in an understandable manner?

Yes No

Were translations provided?

Yes No

Was your community leadership engaged?

Yes No

Were you or your group given reasonable time and opportunity to express your concerns and interests?

Yes No

Did you have enough time to consider the impacts of the project?

Yes No

Did the Proponent support your capacity to participate?

Yes No

Were your concerns addressed?

Yes No

Is the Proponent planning to minimize any adverse impact on Inuit traditional uses?

Yes No

Are there any outstanding issues/concerns?

Yes No

Comments: _____

Do you think your community would benefit from additional time with the Proponent?

Yes No

Appendix 1: Community Interest Groups to Contact Based on Scale of Activity

Type 1 Projects:

- Hunters and Trappers Organization (HTO)
- Hamlet Council

Type 2 Projects:

- Hamlet Council
- Hunters and Trappers Organization (HTO)
- QIA Community Lands and Resource Committee (CLARC) Members
- Community Liaison Officer (CLO)

Additional groups to consider:

- Wildlife Officer
- Women's Group
- Youth Group
- Elders Committee
- School Administration
- Economic Development Officer (EDO)
- Senior Administrative Officer (SAO)
- Housing Association
- Royal Canadian Mounted Police (RCMP)
- Member of the Legislative Assembly (MLA)