

others. Often the communities most impacted by 2021 DNLUP zoning restrictions are also those with high natural resource or infrastructure development potential. Blanket policies are applied territory-wide in the 2021 DNLUP despite previous recommendations from the GN and other key stakeholders, that the NPC adopt regional or localized solutions for contentious issues. The extensive Limited Use Areas proposed in the 2021 DNLUP may cause an unacceptable risk to Nunavut's economy, resiliency, and the long-term wellbeing of Nunavummiut.

Though NPC has provided detail on the discussions around important environmental and culture values, discussions around the balance between sustainable resource development and economic opportunities are absent from the consultation record. The GN is hopeful that the upcoming public hearings will facilitate discussions between all participants and that the NPC will promote impartial and meaningful discussion of zoning option merits and drawbacks. The GN will be listening to all views shared during these proceedings.

The GN appreciates and agrees with many of the procedural fairness concerns described by Nunavut Tunngavik Incorporated in its letter to the NPC, dated September 14, 2021. With the intent to support the NPC and its process, the GN offers the following recommendations for upcoming public hearing proceedings:

- Translations: The 2021 DNLUP should be translated immediately and made available to all hearing participants in advance of proceedings. Hearing participants should be offered a printed version of the Plan, translated in the official language of their choosing.
- Errors and DNLUP comprehension: The 2021 DNLUP released in July of this year contained significant typographical errors that hindered readers' ability to understand where land use restrictions applied geographically. The NPC released a corrected DNLUP in September 2021. However, the NPC should, in advance of hearing proceedings, provide hearing participants with an overview of the Plan. These sessions could occur remotely over online telecommunications, and the GN would welcome an invitation to all such sessions.
- Impartiality and fact-finding: NPC stated it will be revising its DNLUP after hearing proceedings are complete and the written record is closed. As such, we encourage the NPC to approach its public hearings as an opportunity to consider alternative Plan policy options, including weighing their strengths and weaknesses. The NPC is well positioned to facilitate balanced discussion rather than promote pre-determined DNLUP outcomes presently supported by the Commission.
- Qikiqtani Hearings: The GN sees the NPC's proposed public hearings in the Qikiqtani region as being appropriate and necessary for fulfilling the requirements in section 51 of NuPAA. The GN is committed to working with our implementation partners to ensure NPC is well supported to complete this important process and implement Article 11 of the Nunavut Agreement.
- Overlapping Hearings: There is an overlap with the scheduled public hearing on the Nunavut Impact Review Board's assessment of the 'Phase 2 Development Proposal' and the NPC's upcoming public hearings in Thompson and Rankin Inlet. This overlap constrains many parties' ability to fully participate in these proceedings. The GN strongly recommends that Institution of Public Government coordinate their efforts to prevent any future hearing overlaps.

We hope you will consider these recommendations and look forward to receiving a revised draft plan as described by section 11.5.5 of the Nunavut Agreement and section 53 of NuPPAA. Please contact us with any questions or concerns.

Qujannamiik,



Henry Coman
Assistant Deputy Minister
Department of Environment
Government of Nunavut
hcomanenv@gov.nu.ca



Gabriel Karlik
a/Assistant Deputy Minister
Department of Economic Development & Transportation
Government of Nunavut
gkarlik@gov.nu.ca

Cc:

David Kunuk, Nunavut Tunngavik Incorporated

Krista Hendrikson, Crown Indigenous Relations and Northern Affairs

Acronyms & Terms

DNLUP; 'the Plan' – Draft Nunavut Land Use Plan

DOE – Department of Environment

DIOs – Designated Inuit Organizations

GN – Government of Nunavut

NA – Nunavut Agreement

NUPPAA – Nunavut Planning and Project Assessment Act

NSA – Nunavut Settlement Area

O&R – Options & Recommendations document

GN-TRC-01: BALANCING PLAN GOALS

Department	Department of Environment (DOE)
Subject/Topic	Balancing Plan Goals
References	<ul style="list-style-type: none"> • GC. (2017). <i>Final GOC Submission</i> (NPC Public Registry File No. 16-061E). • GN. (2017). <i>GN 2016 DNLUP Submission</i> (NPC Public Registry File No. 16-062E). • Kennett. (2013). <i>Summary Report-IPG Joint Workshop on Land Use Planning and the Integrated Regulatory System in Nunavut</i> (NPC Public Registry File No.12-032E). • NPC. (2017). <i>NPC Qikiqtani Regional Public Hearing Transcript</i> (NPC Public Registry File No.16-166E). • NPC. (2021a). <i>2021 DNLUP</i> (NPC Public Registry File No. 21-001E). • NPC. (2021b). <i>2021 DNLUP O&R</i> (NPC Public Registry File No. 21-006E). • NIRB. (2015). <i>Summary Report-IPG Joint Workshop on Land Use Planning and the Integrated Regulatory System in Nunavut</i> (NPC Public Registry File No.12-032E). • NIRB. (2017). <i>NIRB Written Submission on DNLUP</i> (NPC Public Registry File No. 16-051E). • <i>Nunavut Agreement (NA)</i>, SC 1993

SUMMARY OF CONCLUSIONS

The 2021 Draft Nunavut Land Use Plan (DNLUP or Plan) states that to meet the objectives of the Nunavut Agreement:

“[R]esponsible and effective land use planning [needs] to achieve a balance between environmental, social and economic needs and potential” (NPC, 2021a, p. 3).

The Nunavut Planning Commission (NPC or Commission) has taken a conservative or highly precautionary approach to caribou conservation and designated caribou habitat (calving, post-calving, key access corridors, and caribou freshwater crossings) as Limited Use with year-round prohibitions for several uses.

The GN believes that zoning certain caribou habitat as Conditional Use, with seasonal restrictions for periods when caribou are present, is an appropriate approach for balancing Nunavut's environmental and economic priorities.

REVIEWER'S COMMENTS AND SUPPORTING RATIONALE

The Plan is required to take into account demographic considerations, the natural resource base, economic opportunities, environmental considerations, and cultural factors (NA 11.3.1). While the 2021 DNLUP considers environmental and cultural factors, the current draft does not adequately balance Nunavut's demographic and economic reality.

- The 2021 DNLUP highlights the speed at which Nunavut's population is growing, the high unemployment rate in the territory and the need for responsible economic development (NPC, 2021a, p. 3). It is not clear how these demographic considerations were accounted for in the Commission's decision to zone caribou habitat as Limited Use.
- In the 2016 DNLUP, 15% of the land had prohibitions on mineral exploration – the GN felt that this was too much (GN, 2017). In the current draft the amount of land where mineral exploration was prohibited increased to 26%¹. The increase in prohibitions is an unacceptable risk to Nunavut's economic opportunities.

The Commission weighted the environmental and cultural importance and mineral potential as high in most caribou habitat (NPC, 2021b, p. 78, 90, 94, 101). However, the Commission's rationale, in the Options and Recommendations (O&R) document, for selecting Limited Use over other uses doesn't explain how Nunavut's economic needs were considered. The rationale that the Commission gives for assigning the Limited Use designation is that multiple participants identified these areas as requiring protection (NPC, 2021b, p. 78, 90, 94, 101) and that the Nunavut Impact Review Board (NIRB) requested formalized protection be considered, and the cumulative effects be considered at the regional scale (NPC, 2021b, p. 78, 90, 94). Considering that Plan signatories have previously mentioned that the balance between environmental and economic goals is important (GC, 2017; NPC, 2017 p. 254, 267, 275; GN, 2017), the GN expects that the trade-offs between competing goals will be considered in the Commission's rationale for their land use decisions. Marking the presence of areas with evidenced mineral potential is not a sufficient comparison of trade-offs.

The NPC's rationale, presented in the O&R, for its caribou habitat zoning is incomplete. Two examples of considerations not captured in the O&R include appropriately weighting recommendations and other tools which can fulfill the NIRB's request:

- Firstly, organizations based outside of Nunavut have no stake in the territory's economic success. Although caribou are a shared resource, the Commission should give more weight to the recommendations of organizations that, like the NPC, have to manage the territory's environmental and economic needs. The Conditional Use designation that

provides seasonal protections, better balances these competing issues and is supported by many parties – especially in post-calving areas (NPC, 2021b, p. 76-78, 88-89).

- Secondly, the Commission justifies selecting the Limited Use designation because:

“the NIRB recommended formalized protection be considered and that cumulative impacts should be considered at a regional scale” (NPC, 2021B, p. 78, 90, 94).

The NIRB does not specify what form that protection should take, just that it should be implemented in the land use plan (Kennett, 2013; NIRB, 2015; NIRB, 2017). As such, Conditional Use and Valued Components are also valid mechanisms within the land use plan that can fulfill the NIRB’s request. Furthermore, the NIRB has stated that it wishes:

“[T]hat the NLUP will strike an appropriate balance between establishing measures for conservation designed to protect the health of caribou populations while promoting the continued development of natural resources for the benefit of Nunavut communities” (NIRB, 2017).

The NPC has put significant effort into addressing parties’ concerns regarding adequate detail in the O&R document to better understand how the Commission made its land use planning decisions. However, in the O&R, the Commission notes the GN’s past support for land use policies that support year-round prohibitions in caribou habitat. The GN would like to reiterate that this is no longer its position on this issue. Prior GN positions should not be considered by the Commission. Similarly, other parties should update the NPC on how their past policy recommendations should be considered if their position has changed.

1. Overlap exists between Land Use Classes with the same designation. For example, Caribou calving area overlaps with the Queen Maud Guld Migratory Bird Sanctuary. To avoid double counting these overlaps, the polygons are merged by dissolving the internal boundaries before calculating the area.

REVIEWER’S RECOMMENDATIONS

To achieve a more balanced plan that better aligns with the objectives of the Nunavut Agreement, GN delineated **calving grounds, key access corridors, post-calving grounds, and freshwater crossings should be zoned as Conditional Use**. Terms for these Conditional Use Areas may be informed by the following herd-specific seasonal occupancy dates for GN delineated habitats, as well as input from the GN’s fellow planning partners:

Calving-grounds and key access corridors:

Ahiak: June 13 to July 12

Bathurst: June 2 to June 28

Beverly: June 6 to July 8

Bluenose East: May 28 to July 3
Bluenose West: May 29 to July 3
Lorillard: May 29 to July 13
Qamanirjuaq: June 9 to July 3
Wager Bay: May 30 July 12

Post-calving grounds:

Ahiak: June 26 – July 12
Bathurst: June 17-28
Beverly: June 20 – July 8
Bluenose East: June 21 – July 3
Bluenose West: June 24 – July 3
Dolphin and Union: June 24 – July 3
Lorillard: June 26 – July 13
Qamanirjuaq: June 23 – July 3
Wager Bay: June 26 – July 12

The GN further recommends that the Commission ensure that it is relying on parties' **current** positions and submissions in justifying land use planning decisions. The GN recommends that the Commission **disregard** any party's prior positions or submissions if that party has subsequently submitted revised submissions or positions. The GN recommends that parties who have changed positions are responsible to ensure that the Commission is aware of such prior positions that require disregard by the Commission.

GN-TRC-02: RESPECTING MUNICIPAL PLANS

Department	Community and Government Services (CGS)
Subject/Topic	Ensuring compatibility with municipal plans
References	<i>Nunavut Agreement (NA), Articles 11.7.4, 12.3.4, 14 (Municipal Lands), Nunavut Planning Act 2021 Draft Nunavut Land Use Plan (2021 DNLUP), Chapter 4 Building Healthier Communities & Chapter 6 Implementation Strategy</i>

SUMMARY OF CONCLUSIONS

Article 11.7.4 provides that “[the] NPC and municipal planning authorities shall cooperate to ensure that regional and municipal land use plans are compatible”. The 2021 DNLUP does not fully incorporate municipal plans and wishes.

The 2021 DNLUP ought to explicitly state that municipal plans (known formally as “General Plans” or commonly as “Community Plans”) merit special consideration, pursuant to the Nunavut Agreement Article 11 Part 7. The Plan must be compatible with municipal land-use planning procedures (pursuant to the Nunavut *Planning Act*).

Statements are required in Chapter 4 (Building Healthier Communities) & 6 (Implementation Strategy), that describe how municipal plans will be considered as part of NPC’s conformity determinations.

REVIEWER’S COMMENTS AND SUPPORTING RATIONALE

The 2021 DNLUP (Draft Nunavut Land Use Plan or Plan) is not consistent with NA Article 11 Part 7 because the plan is not compatible with municipal plans (known formally as “General Plans” or commonly as “Community Plans”) as required by article 11.7.4. In the GN’s view, municipal plans are intended to prevail within municipal boundaries and that municipal governments are, correspondingly, in control of their land development.

CGS acknowledges and thanks Nunavut Planning Commission (NPC) for carrying out consultations to determine community priorities and values, as described in Chapter 4 (Building Healthier Communities). However, municipal views and wishes still require more explicit inclusion in the implementation of the Plan (Chapter 6: Implementation Strategy) to ensure the DNLUP is compatible with municipal plans. NPC must consider municipal views and wishes at the outset of receiving a project proposal for review. Otherwise, CGS is concerned that municipal views and wishes could be neglected in the NPC’s project review process.

As per the *Planning Act*, municipalities conduct land-use planning via General Plans (Community Plans), Development Schemes, Zoning By-laws, and through development permitting. The General Plan (Community Plan) is periodically updated, on a 5-year schedule, and is the best gauge for determining the community's current views and wishes for land-use planning.

It merits mentioning that Nunavut Agreement Article 14 (Municipal Lands) is predicated on municipalities having control of 'Municipal Lands' (as defined in Part I). Our Office believes that Article 14 is the culmination of a long effort towards communities taking control and ownership of their own lands from former colonial authorities. This effort largely started in earnest with the Carrothers Commission of the 1960s, it continued with local government planning legislation being introduced in the Northwest Territories in the 1970s and 1980s, and it was further continued by Community Plans being actively encouraged by territorial government policy throughout the 1980s and 1990s. If the authors of the *Nunavut Agreement* had not desired municipal control of Municipal Lands, our Office's opinion is that they would not have included Articles 11.7.4 and 14. The Nunavut Land Use Plan should not ignore this history.

In the absence of a clear and explicit statement respecting municipal land use plans containing community's views and wishes, the Nunavut Land Use Plan may contravene article 11.7.4. Additionally, there are already impact assessment requirements and obligations of both communities, the Commission and the NIRB which will ensure that the impacts of any such project will be appropriately managed.

Upon enactment of the Plan, there is a strong possibility that NPC could effectively have [an unacceptable] veto authority over municipal land-use planning; and, by extension, authority over Municipal Lands. As per Nunavut Agreement, Article 12.3.4, NPC could deny forwarding a project proposal to Nunavut Impact Review Board (NIRB), for screening/impact assessment, simply because it does not conform to the Plan.

Importantly, by the time a project reached the NPC/NIRB for review, the project is likely to be favoured by the community, is likely in conformity with the Community Plan, and is likely approved by municipal Council. Additionally, certain municipal approvals may already be complete (i.e. the municipal land application and limited permitting).

The GN acknowledges that the Plan, with limited exceptions, applies within municipal boundaries. Municipalities are components of the Nunavut Settlement Area and these areas can contain important natural features and wildlife areas that need to be protected. Therefore, CGS is recommending general statements in the Plan for NPC to respect and be compatible with Community Plans, rather than an absolute statement that Community Plans should always take precedence.

If there is concern regarding the environmental impact of a proposed project within municipal boundaries, NPC should not be able to deny a project as a blanket decision, based on the Plan alone, and should grant minor variances or exceptions if the community desires the proposed project. If a project is desired by the municipality, it should always be forwarded to NIRB for screening. The municipality's views and wishes would consequently be respected by NPC because the project would be evaluated, and approved or denied, based on its environmental impact rather than its strict conformity to the Plan.

REVIEWER'S RECOMMENDATIONS

- A. In the introductory section of Chapter 4, add 'municipal plans' to the existing list of factors [a-g]] that are taken into account with the intent of building healthier communities.
- B. Add new text in Chapter 6 (Implementation Strategy) that minor variances or exceptions must be granted, thus ensuring that projects are not denied a NIRB screening. Two options for new text are presented below:

i) Minor variance approach

"6.1(1.) (c.) if a project does not conform that is located within municipal boundaries, a minor variance shall be granted if it conforms to the municipal plan."

Or:

ii) Exception approach

"Municipal plans prevail within municipal boundaries, and an exception shall be granted if a proposed project is in conformity with the respective municipal plan but is not in conformity with this Plan."

Another option would be to:

- C. Re-designate lands within municipal boundaries to Mixed Use. Since Mixed Use is the least restrictive designation, this option would place the fewest prohibitions upon Municipal Lands.

If re-designating all lands within municipal boundaries to Mixed Use is deemed to be detrimental to the biophysical environment in certain communities (e.g., presence of critical habitat), then, at the very least, the NPC could designate built-up areas of communities as Mixed-Use. Outlying community infrastructure should also be designated Mixed-Use, such as airports, quarries and waste disposal sites. These areas are heavily modified by human settlement and are unlikely to provide appropriate wildlife habitat. Mixed Use designation should also apply to areas that are identified for future growth and development in Community Plans.

GN-TRC-03: CAMBRIDGE BAY DND SITE	
Department	Community and Government Services (CGS)
Subject/Topic	Cambridge Bay Department of National Defence Site
References	<ul style="list-style-type: none"> • P.C. O.I.C 1993-1126, Schedule "II": Department of National Defence (<i>Order-in-Council reserving JSRF 1853 for DND</i>) • 2021 Draft Nunavut Land Use Plan (2021 DNLUP), Section 4.7 (Military Facilities) • NPC. (2016). Nunavut Planning Commission 3rd Technical Meeting (NPC Public Registry File No.14-141E). • NPC. (2021) 2021 DNLUP (NPC Public Registry File No. 21-001E).
SUMMARY OF CONCLUSIONS	
<p>The Department of National Defense (DND) Joint Seismic Research Facility (JSRF) Reserve 1853 at Cambridge Bay should additionally be listed in Section 4.7 because this is an internationally important DND site that contributes to national security.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>DND Reserve 1853 JSRF includes approximately two-thirds of the land area of the municipal boundaries of Cambridge Bay as well as significant areas beyond it (P.C. O.I.C 1993). We understand that this area contains seismic arrays and that this location has a unique geology that permits monitoring of seismic activity throughout the world. Although the site is displayed in Map B2.9 of the 2021 DNLUP (NPC, 2021 p.96), the site itself is omitted from Section 4.7 Military Facilities (NPC, 2021 p.38).</p> <p>CGS and the Hamlet of Cambridge Bay have had previous discussions with DND regarding possible municipal expansion and development in this Reserve area. DND has refused to release these lands, citing the site's national security importance. We also understand that the JSRF was discussed during the DNLUP 3rd Technical Meeting in 2016 (NPC, 2016). This DND site may require more explicit inclusion in the Plan.</p>	
REVIEWER'S RECOMMENDATIONS	
<p>If DND permits it, and unless there is reason not to, it is recommended that the DND Reserve 1853 JSRF site could be added to the Section 4.7 list of DND establishments in the Nunavut Settlement Area.</p>	

GN-TRC-04: COMMUNITY SPECIFIC MAPS	
Department	Community and Government Services (CGS)
Subject/Topic	Community Specific Maps
References	NPC. (2012) <i>2011/2012 DNLUP</i> (NPC Public Registry File No. 12-236E).
SUMMARY OF CONCLUSIONS	
<p>The 2021 DNLUP (Plan) does not include maps zoomed-in to individual municipalities, as the 2011/12 edition of the Plan contained. These maps were very useful, and it is desirable to have them included again.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>It is expected that many industrial and infrastructure projects that are submitted to NPC for review will be associated with community townsites. Many of these projects will be located either within municipal boundaries or in the vicinity of municipal boundaries. It would be helpful to have maps zoomed-in to municipalities that display the Plan's land-use designations (Limited Use, Conditional Use, or Mixed Use) as well as any constraints that are present (e.g., a listing of local land-use prohibitions).</p> <p>In the 2011/12 edition of the Plan, Community Maps were provided in Appendix A that displayed each municipal boundary and its vicinity (NPC, 2012 p.44–71). Please re-release this type of maps for the finalized Nunavut Land Use Plan.</p>	
REVIEWER'S RECOMMENDATIONS	
<p>Please include in the 2021 DNLUP a map for each Nunavut community that:</p> <ul style="list-style-type: none"> • displays the respective municipal boundary and its immediate vicinity; • displays the land use designations; and, • lists local prohibitions and constraints. 	

GN-TRC-05: DETERMINING PROHIBITIONS	
Department	Community and Government Services (CGS)
Subject/Topic	Determining Prohibitions
References	<ul style="list-style-type: none"> • NPC. (2021a) <i>2021 DNLUP</i> (NPC Public Registry File No. 21-001E). • NPC. (2021b). <i>Map A2 Land Use Designations – Limited Use Nunavut Land Use Plan</i> (NPC Public Registry File No. 21-003E). • NPC. (2021c). <i>Map A3 Land Use Designations – Conditional Use</i> (NPC Public Registry File No. 21-004E).
SUMMARY OF CONCLUSIONS	
<p>It is currently difficult for a reader of the 2021 DNLUP (Plan) to determine prohibitions on land-use activities, because it is difficult to cross-reference listed site numbers with their specific prohibitions.</p>	
REVIEWER’S COMMENTS AND SUPPORTING RATIONALE	
<p>In the current version of the 2021 Plan, released in July of this year, it is difficult to determine the locations of specific land-use prohibitions. Our understanding is that prohibitions are listed in ‘Plan Requirements’ boxes (e.g., NPC, 2021a p.18) and that these boxes are cross-listed with numbered sites on Maps A2 (NPC, 2021b) and A3 (NPC, 2021c).</p> <p>We feel that this is a time-consuming process and should be streamlined, so that people, communities, and development proponents can more easily determine the locations and extents of prohibited land-uses.</p>	
REVIEWER’S RECOMMENDATIONS	
<p>Establish a quick and easy method for readers of the Nunavut Land Use Plan to determine the specific prohibitions in particular areas. For example, this could include:</p> <ul style="list-style-type: none"> • a finished interactive digital map that lists prohibitions when hovering a mouse over an area; and, • an index included directly in the Plan that cross-references site designation numbers, the sites’ location(s), and the prohibitions within each site. 	

GN-TRC-06: STRATHCONA SOUND DEVELOPMENT AREA	
Department	Community and Government Services (CGS)
Subject/Topic	Strathcona Sound Development Area
References	<ul style="list-style-type: none"> • 2021 Draft Nunavut Land Use Plan (2021 DNLUP), Chapter 4 & Map A • Consolidation of Strathcona Sound Development Area Regulations R.R.N.W.T. (Nu.) 1990, c.A-17
SUMMARY OF CONCLUSIONS	
<p>The Strathcona Sound Development Area should be included in the Nunavut Land Use Plan. When a project proposal is received by NPC within this area, the CGS Director of Planning and Lands must be forwarded the application for permitting and this must occur regardless of whether the proposal needs to be forwarded to NIRB.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>Pursuant to the <i>Area Development Act</i> and the <i>Strathcona Sound Development Area Regulations</i>, CGS has jurisdiction to restrict certain activities and is responsible for permitting of activities in included areas. The Strathcona Sound Development Area extents and regulations are described below.</p> <p>As set out in the Schedule to the Regulations, the metes and bounds of Strathcona Sound Development Area (also displayed in Figure 7-1) are::</p> <ul style="list-style-type: none"> • commencing at approximately 73°10'N. and 84°15'W.; • thence due west to approximately 85°00'W.; • thence due south to approximately 72°55'N.; • thence due east to approximately 84°15'W.; • thence due north to the point of commencement. <p>Sections 3 and 4 of the Regulations provide that:</p> <p style="padding-left: 40px;">No person shall, within the Strathcona Sound Development Area, except under the authority of a permit issued by an area development officer,</p> <ol style="list-style-type: none"> a) erect, move or alter any building or structure; b) make any excavation or disruption of the ground; c) remove or damage any vegetation; or d) pitch a tent or establish a camp. <p>No person shall, within the Strathcona Sound Development Area, dispose of any garbage,</p>	

sewage or other waste material except at a site and in a manner approved by an area development officer.

REVIEWER'S RECOMMENDATIONS

The GN recommends that the Commission ensure compatability between this legislation and the Plan. Accordingly the GN recommends that the NPC:

- A. Add a new, short section, perhaps to Chapter 4, in the Nunavut Land Use Plan that describes the Strathcona Sound Development Area, its restrictions, and its permitting requirement.
- B. Identify the Strathcona Sound Development Area on the base map in a similar manner to Municipalities.

GN-TRC-07: GEOSPATIAL DATA	
Department	Economic Development and Transportation (EDT)
Subject/Topic	Geospatial data
References	<ul style="list-style-type: none"> • NPC. (2021a). <i>Map A1 Land Use Planning – Overview Nunavut Land Use Plan</i> (NPC Public Registry File No. 21-002E). • NPC. (2021b). <i>Map A2 Land Use Designations – Limited Use Nunavut Land Use Plan</i> (NPC Public Registry File No. 21-003E). • NPC. (2021c). <i>Map A3 Land Use Designations – Conditional Use</i> (NPC Public Registry File No. 21-004E). • NPC. (2021d). <i>2021 DNLUP</i> (NPC Public Registry File No. 21-001E). • NPC. (2021e). <i>GIS DATA MAP1 2021DNLUP</i> [shapefile] (NPC Public Registry). • The Peel Watershed Planning Commission. (2019). <i>2019 Peel Watershed Regional Land Use Plan</i>. • The Sahtu Land Use Planning Board. (2013). <i>2013 Land Use Plan</i>.
SUMMARY OF CONCLUSIONS	
<p>Several issues have been identified regarding geospatial data presented in the 2021 DNLUP and in supporting files hosted on the NPC Public Registry. Data issues include inconsistent and/or incomplete references to maps within the draft, incomplete attribution of geospatial data, and missing summary data regarding the total area for each land use designation (Limited Use, Conditional Use and Mixed Use).</p>	
REVIEWER’S COMMENTS AND SUPPORTING RATIONALE	
<p>“Map A” is referenced throughout the 2021 DNLUP (NPC, 2021d, p.6) but is not included within the document. Instead, three versions of Map A (NPC, 2021a; NPC, 2021b; NPC, 2021c) are available separately on the NPC Public Registry. Additionally, legends on these maps include illegible text due to kerning and encoding format issues. This makes it challenging for the reviewer to assess and analyze the draft geospatially.</p> <p>The NPC uses a variety of geospatial data that was created by other organizations (e.g. Nunavut Settlement Area and the outer land fast ice zone), however there are no references indicating their source.</p> <p>There is no clear indication as to the total area for each land use designation within the planning area – this is helpful information for understanding the impact of the policy on various goals. The inclusion of this information is common in other northern land use plans, such as the Peel Watershed Regional Land Use Plan (The Peel Watershed Planning Commission, 2019, p. 75)</p>	

and the Sahtu Land Use Plan (The Sahtu Land Use Planning Board, 2013, p. 29). Furthermore, there is no polygon delineating areas designated as Mixed Use.

At the time of writing, the NPC website does not include an interactive map detailing land use designations as proposed in the 2021 DNLUP.

REVIEWER'S RECOMMENDATIONS

The NPC should include relevant maps, specially Map A and its three versions, within an appendix of the 2021 DNLUP. The NPC should also provide clear and complete references to maps (e.g., Map A1) throughout the draft. Additionally, the NPC should resolve issues with the legibility of these map legends.

Geospatial data used by the NPC should be appropriately referenced.

The NPC should provide summary data, in the form of a table, regarding the total area for each land use designation (Limited Use, Conditional Use and Mixed Use) within the planning area. Additionally, a polygon deliniating mixed use areas should be included.

In addition to these static maps, the Commission should endeavor to finish its interactive map at the same time as any NLUP draft. An interactive map would allow reviewers to gain a greater comprehension of the extent of proposed land use designations and provide clarity where different valued components exist and overlap

GN-TRC-08: INCREMENTAL REGIONAL APPROACH

Department	Economic Development and Transportation (EDT)
Subject/Topic	Incremental Regional Approach
References	<ul style="list-style-type: none"> • Bulkley Valley Community Resources Board Interagency Planning Team. (1998). <i>1998 Bulkley Land and Resource Management Plan</i>. • Government of British Columbia. (2021, August). <i>Land Use Plans & Legal Direction by Region</i>. https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/regions • NPC. (2016). <i>2016 DNLUP</i> (NPC Public Registry File No. 16-037E). • NPC. (2021). <i>2021 DNLUP</i> (NPC Public Registry File No. 21-001E). • The Peel Watershed Planning Commission. (2019). <i>2019 Peel Watershed Regional Land Use Plan</i>. • The Sahtu Land Use Planning Board. (2013). <i>2013 Land Use Plan</i>.

SUMMARY OF CONCLUSIONS

The NPC proposes to approve and implement a single land use plan to cover all land and water within its jurisdiction. This scale of approach differs from most other jurisdictions within Canada which coordinate land use plans at the regional or sub-regional scale.

However, GN acknowledges that between 1999 and 2005 the NPC was in the process of developing six regional plans. During the hearing for the West Kitikmeot Plan parties stopped supporting the regional approach. Since that time all Plan approval authorities have been supportive of developing an initial first-generation Nunavut-wide land use plan.

The GN suggests that completing a higher-level, less-restrictive first-generation plan will allow the NPC to fulfill its obligations under the Nunavut Agreement while leaving space for the territory to grow and evolve in the coming decades

REVIEWER’S COMMENTS AND SUPPORTING RATIONALE

No other province or territory relies on a single land use plan. For comparison, British Columbia, another geographically large jurisdiction, has eight regional land use plans. Each of these eight regional plans are further subdivided into as many as 26 sub-regional plans; the sub-regional plans are further divided into geographically distinct Resource Management Zones (RMZs) (Government of British Columbia, 2021).

At the territorial level, both Yukon and the Northwest Territories utilize regional plans. These regional plans cover significantly smaller geographic areas than that which is proposed under the 2021 DNLUP. As such, these plans provide a more nuanced, granular assessment of land

management priorities and objectives. For comparison, the Yukon's Peel Watershed Regional Land Use Plan covers 67,431 square kilometers (The Peel Watershed Planning Commission, 2019 p.176) and is divided into 16 Landscape Management Units (LMUs). The Northwest Territories' Sahtu Land Use Plan covers 283,988 square kilometers and is divided into approximately 66 Zones (The Sahtu Land Use Planning Board, 2013 p.29).

In lieu of regional plans or smaller planning units at this time, and the undertaking of the detailed data collection and analysis that would be needed to complete them, any territory-wide plan cannot be expected to be comprehensive. The NPC speaks to this approach in 2021 DNLUP 1.3.4: Incremental Planning:

"It is not feasible to develop a completely comprehensive land use plan for such a vast area in a reasonable timeframe. The Commission is therefore taking an incremental approach to the development of this Plan. This first-generation Plan is written with anticipation that subsequent generations of this Plan will have an expanded scope. In addition, regional and sub-regional land use planning studies and related research will be undertaken to address outstanding matters important to Planning Partners." (NPC, 2021 p. 6)

The GN agrees with the limitations stated by the Commission but notes that this broad first-generation plan already imposes serious restrictions on land use activities in Nunavut. The effects of these restrictions cannot yet be fully understood.

Completing a higher-level, less-restrictive first-generation plan will allow the NPC to fulfill its obligations under the Nunavut Agreement while leaving space for the territory to grow and evolve in the coming decades. Additional information can be used as it is generated to assign land use designations to additional areas during the periodic review process laid out in 2021 DNLUP 6.1.6:

"[T]he Commission will commence a review of the Plan within 7 years of the Plan's approval and will complete the review within 3 years thereafter." (NPC, 2021 p. 47)

Also, the Commission's Independent Review concluded:

"[P]lanning theory and practice provide a range of options, but no specific standard or direction, for role of planning in the regulatory system. In some circumstances, the best role for planning may be the 'red flag' approach of mapping land use values and signaling to potential land users and regulators that competing interests exist and greater scrutiny of proposed land uses is expected and appropriate" (Dillon Consulting Ltd, 2012, p 32).

Additional research over time, additional review processes, and the ability to make more granular assessments regarding land use designations may improve reviewing parties' confidence in the Commission's decision-making and ability to balance complex interests while drafting such a critical planning document.

REVIEWER'S RECOMMENDATIONS

The NPC should avoid large scale limited use designation in acknowledgment that this is a first-generation plan until the necessary research is completed.. The GN encourages the NPC to adopt a 'red flag' approach to map out land use values and signal where competing interests exist and require

greater scrutiny. The Plan may be made more restrictive over time through periodic review and Plan Amendment, where appropriate and supported by additional research and consultations.

GN-TRC -09 OIL AND GAS POTENTIAL	
Department	Economic Development and Transportation
Subject/Topic	Oil and Gas Potential
References	<ul style="list-style-type: none"> • GN. (2017). <i>GN 2016 DNLUP Submission</i> (NPC Public Registry File No. 16-062E). • NPC. (2016). <i>2016 DNLUP</i> (NPC Public Registry File No. 16-037E). • NPC. (2021a). <i>2021 DNLUP</i> (NPC Public Registry File No. 21-001E). • NPC. (2021b). <i>Map A2 Land Use Designations – Limited Use Nunavut Land Use Plan</i> (NPC Public Registry File No. 21-003E).
SUMMARY OF CONCLUSIONS	
<p>Section 5.2 of the Plan discusses the oil and gas industry within Nunavut to-date and refers readers to Map B of the Plan where ‘areas of oil and gas potential’ are shown for informational purposes.</p> <p>The Plan prohibits ‘oil and gas exploration and production’ in multiple land use designations and in large geographical area, which does not balance with the recognition that oil and gas potential areas are considered Valued Components. There is no mention of these Plan restrictions within Section 5.2, Oil and Gas Potential (NPC 2021, p.41).</p>	
REVIEWER’S COMMENTS AND SUPPORTING RATIONALE	
<p>We note that the areas with the Limited Use designation, where oil and gas is prohibited, have increased from approximately 15% (GN, 2017) to 26%¹ of the territory. Nunavut’s full oil and gas potential is unknown and remains to be discovered. The Plan seems to recognize Nunavut’s significant petroleum potential but should also consider the constant technological advancement in the sector to develop more environmentally responsible practices, and Nunavut’s need for economic growth. Restricting and prohibiting oil and gas activity at this scale is inappropriate at this time.</p> <p>Some of the Plan’s prohibitions to oil and gas activity apply in areas where petroleum potential and Significant Discovery Licenses exist It is unclear how the existing licenses will be affected. The extent of restrictions to oil and gas development/exploration in the 2021 DNLUP are inappropriate when considering the potential economic significance of this industry and the economic needs of the territory. Canadian and territorial impact review processes should be used to evaluate projects on a case-by-case basis to consider all valued components at the time of a proposal.</p> <p>1. Overlap exists between Land Use Classes with the same designation. For example, Caribou calving area overlaps with the Queen Maud Guld Migratory Bird Sanctuary. To avoid double counting these overlaps, the polygons are merged by dissolving the internal boundaries before calculating the area.</p>	

REVIEWER'S RECOMMENDATIONS

The Plan should be less restrictive towards oil and gas development. Due to the high petroleum potential of the territory and the need for economic development in Nunavut. NPC must consider future growth and leave economic development opportunities and associated decisions open for consideration now and for future generations of Nunavummiut.

Conditional Use designation would allow seasonal restrictions where appropriate and case by case decision making through the territorial and federal environmental assessment review process.

The Plan shows the significant discovery licenses, but it does not include a map of areas of high petroleum potential. The Commission should solicit this information from parties and provide such maps.

GN-TRC-10: MINERAL POTENTIAL	
Department	Economic Development and Transportation (EDT)
Subject/Topic	Mineral potential
References	<ul style="list-style-type: none"> • NPC. (2014). <i>2014 DNLUP</i> (NPC Public Registry File No. 14-194E). • NPC. (2016). <i>2016 DNLUP</i> (NPC Public Registry File No. 16-037E).
SUMMARY OF CONCLUSIONS	
<p>The current version of the draft land use plan fails to produce a guiding document which balances environmental protection with all other land uses, especially mineral exploration which is a significant transient land use activity necessary for supporting economic development in Nunavut.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The Plan does not recognize the range and extent of exploration and mining work that has taken place over the past two decades across Nunavut, and for the several decades prior to the formation of Nunavut (as NWT).</p> <p>Over these decades, with few exceptions (e.g.wildlife sanctuaries and parks), land has been open to mineral exploration The 2021 DNLUP includes numerous new designations that would prohibit access to subsurface rights and prevent future exploration and mining activities in large regions of the territory.</p> <p>Large areas of Nunavut remain unexplored - Limited Use areas prevent a full understanding of Nunavut's mineral resources. Temporally, mineral exploration does not need to overlap with key stages in the caribou life cycle. The Conditional Use designation with seasonal restrictions allows for exploration to continue unimpeded.</p> <p>The NPC currently only recognizes “evidenced high mineral potential areas” promoting the view that mineral potential is known. Mineral potential is understood only through the process of discovery and Nunavut is one of the most poorly mapped, prospected, and explored regions in Canada. Indeed, there are few places in the world that have less understanding of resource potential than Nunavut. Many more decades of low impact, investigative geoscience surveys will need to be carried out across Nunavut in order for the defined categorization of mineral potential (as proposed in this draft land use plan) to be possible.</p>	
REVIEWER'S RECOMMENDATIONS	
<p>The Plan should be less restrictive towards mineral exploration and development. Transient access rights, the right to explore for mineral resources in the subsurface, must be allowable almost anywhere for exploration to be successful. The Conditional Use designation with seasonal restrictions allow for land access with limiting disturbances to wildlife while allowing case by case decision making through the territorial and federal environmental assessment review process. NPC must give greater consideration to the need for economic development</p>	

opportunities and associated decisions to be available now and for future generations of Nunavummiut.

GN-TRC-11: TRANSPORTATION INFRASTRUCTURE	
Department	Economic Development and Transportation
Subject/Topic	Transportation infrastructure
References	<ul style="list-style-type: none"> • NPC. (2016). <i>2016 DNLUP</i> (NPC Public Registry File No. 16-037E). • NPC. (2021). <i>2021 DNLUP</i> (NPC Public Registry File No. 21-001E). • <i>Nunavut Projects and Planning Act (NUPPA)</i>, SC 2013 • <i>Nunavut Agreement (NA)</i>, SC 1993
SUMMARY OF CONCLUSIONS	
<p>The blanket prohibition on linear infrastructure corridors proposed in the 2016 DNLUP has been removed in the 2021 DNLUP. Linear infrastructure is permitted in all Mixed Use and Conditional Use areas. Linear infrastructure is prohibited within certain Limited Use areas.</p> <p>The 2021 DNLUP has zoned the Kivalliq Road Corridor and Mary River Road and Rail Corridor as Limited Use.</p> <p>The 2021 DNLUP does not explicitly allow for the development of the Grays Bay Road and Port Project. The corridor should be included in the plan like other corridors</p>	
REVIEWER’S COMMENTS AND SUPPORTING RATIONALE	
<p>Nunavut has a severe-deficiency in ground and marine-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 GN broadly agrees with NPC’s changes to zoning for linear transportation infrastructure in the 2021 DNLUP, but has some specific concerns regarding Limited Use Areas, the Grays Bay Road and Port Project, and municipal quarry sites.</p> <p>Section 19.6.3 of the Nunavut Agreement outlines ‘public easements’ in the territory, including several public transportation or travel routes between communities and surrounding areas. The Nunavut Agreement lists ‘public easements’ near Hall Beach, Cape Dorset, Arviat, Baker Lake, Rankin Inlet, Whale Cove, Naujaat and Kugaaruk.</p> <p>The GN is a supporter-in-principle of the Grays Bay and Port Project development as advanced by the Kitikmeot Inuit Association. The development of this project could be an important economic driver for the region. Some existing Limited Use Areas may overlap with the proposed routing for the road and port site, including limiting any potential for Kugluktuk to connect to the network and gain access to the deep-water port.</p> <p>The Limited Use Areas zones near Kugluktuk prohibit any further development around that community. Kugluktuk is located on the mainland and is the western and southernmost community in the Kitikmeot. Kugluktuk has the region’s highest transportation infrastructure</p>	

potential over the next several decades. Restricting the possibility for consideration of any transportation corridor development to/from Kugluktuk may run counter to long-term community views and wishes. The Nunavut Agreement, Article 11.7.3 states:

"In the development of a regional land use plan, the NPC shall give great weight to the views and wishes of the municipalities in the areas for which planning is being conducted."

The 2021 DNLUP, 6.1.5.1-1, outlines the process to amend the land use plan where a proponent wishes to develop linear infrastructure in a Limited Use Area. The proponent must describe the proposed route, environmental and social impacts, as well as outline seasonal and engineering considerations. This may require proponents to retain a significant degree of geo-technical analysis before submitting an application to the Commission, adding significant additional costs to the development process before a project's certainty can be established.

There is a critical need to secure reliable aggregate sources for infrastructure projects. In some communities there is a lack of adequate, identified aggregate sources and this can be expected to negatively impact the delivery of important infrastructure projects. In many cases future aggregate sources will be identified within municipal boundaries, but there is no certainty that this will be possible everywhere. There has been discussion (to date, between EDT and CGS) of a project to document aggregate source availability and gaps across Nunavut and where needs are identified to propose solutions (e.g. through geophysical investigations or construction of access roads). Imposing excessive restrictions on aggregate quarry development prior to the completion of such a study could exacerbate Nunavut's aggregate availability problem and further drive up the costs of infrastructure projects.

REVIEWER'S RECOMMENDATIONS

NPC should provide clarity of intention of land use plan in relation to public easements described in Section 19.6.3 of the Nunavut Agreement.

Wherever possible, the Plan should eliminate undue additional processes that prohibitively hinder transportation infrastructure development.

The Grays Bay Port and Road Corridor should be designated like the other transportation corridors.