



Kitikmeot Inuit Association

Submission to the Nunavut Planning Commission Regarding the 2021 Draft Nunavut Land Use Plan

April 15, 2022

1. Introduction

The Kitikmeot Inuit Association (KitIA) thanks the Nunavut Planning Commission (NPC) for inviting KitIAs comments on the 2021 Draft Nunavut Land Use Plan (DNLUP). The KitIA is providing specific comments as well as a combined joint submission with the Kivalliq Inuit Association, Qikiqtani Inuit Association, and Nunavut Tunngavik Incorporated. Both submissions represent the full array of KitIA comments on the DNLUP, along with all previous KitIA submissions that are part of the DNLUP comment record since 2016.

2. Introduction to Kitikmeot Inuit Association

The KitIA is an incorporated society designated as an Inuit Birthright Organization under the Nunavut Agreement. Established in 1976, KIA assumed its birthright status when the Nunavut Agreement was given Royal ascent. The KitIA is one of the three Regional Inuit Associations, along with the Qikiqtani Inuit Association, and the Kivalliq Inuit Association.

KIA has a democratically elected board and represents all Inuit beneficiaries of the Kitikmeot Region. The communities of the region include Cambridge Bay, Kugluktuk, Gjoa Haven, Kugaaruk, and Taloyoak.

KitIA's mandate is *"To manage Kitikmeot Inuit lands and resources to protect and promote the social, cultural, political, cultural, environmental, and economic well-being of Kitikmeot Inuit."*

The Kitikmeot Inuit Association owns 104,850.42KM² of the surface of land called Inuit Owned Land (IOL) and 572KM² of fee simple lands in the Northwest Territories. KitIA, along with the other Regional Inuit Associations and NTI are some of the largest private landowners in Canada.

In 2020 there were about 6500 Kitikmeot Inuit members, of which 5000 are of voting age, and all of whom were represented the Kitikmeot Inuit Association as DIO for Articles 8, 9, 19, 21, and 26 of the Nunavut Agreement. The Kitikmeot Region of Nunavut has many socio-economic challenges.



3. Key KIA Concerns with the 2021 Draft Land Use Plan

The KitIA has many substantial concerns with the DNLUP and they are set out in this submission. We request that the NPC give careful consideration to these concerns before any final Nunavut Land Use Plan is put forward to the approving parties for consent. KIA's concerns are listed in this section. The order of presentation for our concerns should not be assumed to reflect their importance.

3.1. The DNLUP Diminishes Kitikmeot Inuit Associations Rights as a Designated Inuit Organization and Adversely Affects Inuit Owned Land

The KitIA is a Designated Inuit Organization (DIO) under the *Nunavut Agreement* for surface land ownership management. The KitIA is concerned that our status as a DIO is being overlooked by NPC because neither our goals nor our recommendations are being reflected in the DNLUP.

The identification of some small but significant changes that occurred between the 2016 and 2021 versions of the DNLUP explains our concerns.

In the current 2021 DNLUP version, Section 1.2.2 - Inuit Owned Lands expresses:

Section 11.8.2 of the Agreement states that the land use planning process is to apply to Inuit Owned Land and take into account Inuit goals and objectives for Inuit Owned Land.

In the previous 2016 version, Section 1.2.1 - Inuit Owned Lands expressed:

*Section 11.8.2 of the NLCA states that the land use planning process shall apply to Inuit Owned Land and **shall** take into account Inuit goals and objectives for Inuit Owned Land **as represented by the Designated Inuit Organizations**.*

Because both of these DNLUP excerpts refer to Section 11.8.2 of the Nunavut Agreement, for clarity, it is important to refer to the specific wording of the section:

11.8.2 The land use planning process shall apply to Inuit Owned Lands. Land use plans shall take into account Inuit goals and objectives for Inuit Owned Lands.

The Kitikmeot Inuit Association does not dispute that “*The land use planning process shall apply to Inuit Owned Lands*” and we understand the context and implications of the statement. However, the *Nunavut Agreement* also states that “*Land use plans shall take into account **Inuit goals and objectives for Inuit Owned Lands***”, which obliges NPC to pay special attention to the



DIOs special roles in relation to IOLs. This includes Regional Inuit Associations as the representative bodies that identify and communicate Inuit goals and objectives for Surface Inuit Owned Lands for their respective regions, as well as NTI, with respect to Subsurface Inuit Owned Lands.

Similarly, Subsection 11.2.1(b) of the Nunavut Agreement states:

*the primary purpose of land use planning in the Nunavut Settlement Area shall be to protect and promote the existing and future well being of those persons ordinarily resident and communities of the Nunavut Settlement Area taking into account the interests of all Canadians; **special attention shall be devoted to protecting and promoting the existing and future well-being of Inuit and Inuit Owned Lands;***

Again, the *Nunavut Agreement* obliges not just special attention to Inuit Owned Lands, but to the goals and objectives of the DIOs in relation to those lands (i.e., NTI and the RIAs).

KitIA has many responsibilities as a DIO. Under Section 39.1.3, the KitIA was designated as the DIO responsible for the functions associated with surface IOL in the Kitikmeot Region under Articles 19 and 21 of the Nunavut Agreement. In other words, in the Kitikmeot Region, it is the KitIA that has title and management authority of surface IOL. Title to surface IOL is held on behalf of all Kitikmeot Inuit and these lands are managed on their behalf by KitIA. Individual Inuit or individual communities do not have legal authority to decide how IOL is managed; however, KIA consults community beneficiary committees in each community on IOL land use matters.

Additionally, the KitIA was designated as the DIO responsible for negotiating Inuit Impact and Benefits Agreements (IIBA) under:

- Article 8 (Parks) for the establishment of new, or the boundary modification of previously established, National or Territorial Parks;
- Article 9 (Conservation Areas) for the establishment of new, or the boundary modification of previously established, conservation areas as defined in Section 9.1.1, including (but not limited to) National Wildlife Areas, Migratory Bird Sanctuaries, Wildlife Sanctuaries, and Canadian Heritage Rivers; and
- Article 26 (Inuit Impact and Benefits Agreements) for major development projects.

These responsibilities, along with many others, are outlined in the *Nunavut Agreement* and are formally designated to the 3 RIAs. A master list of Designated Inuit Organizations is maintained by NTI (**See separate DIO Master List submitted by KitIA**).



In order for the KitIA to best serve and represent Kitikmeot Inuit and look to their future well being, our responsibilities as DIO are of primary importance and must be preserved. KitIA's assessment of the DNLUP is that it severely hinders our authority to undertake the DIO functions designated to KitIA under Section 39.1.3 of the Nunavut Agreement. The NPC must recognize the limitations caused by the DNLUP to DIOs, and they must take actions to acknowledge and restore the DIOs' abilities to undertake their responsibilities on behalf of Inuit.

Below, we provide examples of how the DNLUP adversely affects KitIA roles and authorities.

Section 17.1.1 of the Nunavut Agreement says:

The primary purpose of Inuit Owned Lands shall be to provide Inuit with rights in land that promote economic self-sufficiency of Inuit through time, in a manner consistent with Inuit social and cultural needs and aspirations.

A key element of the current and future economic self-sufficiency of Inuit is based on the benefits derived from ownership of IOL. Yet, according to Table 2 (page 4) of the NPC's 2021 Draft Nunavut Land Use Plan Q&A, March 2022 document, 48% of Surface IOL in the Kitikmeot is proposed for designation as "Limited Use" with an additional 4.54% designated as "Conditional Use" as per the 2021 DNLUP.

In other words, the DIO for surface IOLs in the Kitikmeot Region would effectively lose management authority and control on 52.54% Surface IOLs. Additionally, 52.99% of Subsurface IOLs in the Kitikmeot Regions are designated as either Conditional or Limited Use. These designations not only limit the economic aspirations of Kitikmiut, but of Nunavummiut as a whole.

Furthermore, Subsurface IOLs in the Kitikmeot region were **specifically selected** due to their economic development potential. Inuit only own 1.8% of mineral rights with concurrent surface IOL in Nunavut, yet in the Kitikmeot region the DNLUP proposes to limit Inuit abilities to decide how to manage half of these lands. Along with the restrictions on surface only IOL in the Kitikmeot region this is a serious concern. The noted DNLUP designations severely restrict a DIO's ability to consider and develop the economic potential of Inuit Owned Lands, as well as the DIO's ability to negotiate an IIBA as per their responsibilities under Article 26 of the *Nunavut Agreement*.

Expressions of significant concerns about the DNLUP's infringements and limitations on IOLs, both separately and jointly by NTI and the other RIAs, have been disregarded by the NPC. In fact, the current DNLUP has substantially increased the area designated as Limited Use in



Nunavut (Table 1; page 3, 2021 Draft Nunavut Land Use Plan Q&A, March 2022), and likewise for IOL.

Although IOLs are subject to the NLUP, this does not mean that the NLUP can sterilize Inuit decision-making authority over more than half of both Subsurface and Surface IOLs in the Kitikmeot Region. Land use plans should be very cautious about designations which effectively expropriate land and prevent landowners from benefitting from the use of their property. This the more so where the lands affected represent the legacy of a land claim settlement and a central contributor to the future well- being of Inuit.

Therefore, as DIO for the Kitikmeot Region's surface Inuit Owned Lands, and with respect to Sections 11.2.1(b), 11.8.2, 17.1.1 and Article 26 of the Nunavut Agreement noted previously, the KitIA is very concerned about the decision-making limitations placed on IOLs as specified by the NPC in the 2021 DNLUP, and as such the 2021 draft Nunavut Land Use Plan is highly jeopardized for KIA consent in its current form.

DIO – Inuit Owned Lands: Balancing Economic Development while Sustaining the Environment

Section 17.1.3 of the Nunavut Agreement states:

Inuit Owned Lands shall, to the extent possible, provide for a mix of the characteristics outlined above [in Section 17.1.2] in order to secure balanced economic development. However, the relative weighting of the characteristics with respect to any particular community or region shall turn on the actual and potential economic opportunities at hand and the particular community or regional preferences.

KIA's mandate is *"To manage Kitikmeot Inuit lands and resources to protect and promote the social, cultural, political, cultural, environmental, and economic well-being of Kitikmeot Inuit."* This short statement clearly reflects the characteristics emphasized in Section 17.1.3, as well as the complexities and challenges that such a mandate engages. For example, on October 19, 2016 at a NPC Pre-Hearings about the NLUP in Ikaluktutiak, NPC asked KitIA if it was fair to say that KitIA's focus was primarily economic development. The response was that that was not a fair assessment of KitIA (Draft Nunavut Land Use Plan, Nunavut Planning Commission, Regional Pre-Hearing Conference Transcript, Oct.19, 2016, page 54).

The KitIA actively manages individual IOL parcels in the Kitikmeot based on local Community Beneficiary Committee (CBCs) recommendations, and we have records dating back to mid-March 1994 that demonstrate this. Between 1994 and present day, a total of 9 different surface IOL parcels with NTI mineral rights underneath have been closed to exploration and development following local CBC advisement. In 2012, as part of a strategic plan to improve the



management of Surface IOLs, the KitIA's Department of Lands, Environment and Resources was tasked to periodically review the status of the IOL parcels in the region. As of writing of this submission, three Kitikmeot surface IOLs still remain closed to exploration and development.

The KitIA was also the first Inuit organization to submit a "community area of interest" to the NPC in the form of the Hiukitak River Conservation Area which was mapped in 2011-2012 DNLUP. Kitikmeot Inuit proposed the Hiukitak River Conservation Area in response to the development potential around Bathurst Inlet. Inuit wanted to set aside a conservation area, primarily with a focus on caribou conservation, to balance with potential mining development that could occur in the area of Bathurst Inlet. In March 2006, a KitIA Board Motion was passed to this effect. The proposed conservation area contains several IOL parcels with federal mineral rights.

Managing for balance between economic development and ecological conservation is not simple, and KIA has been doing that for many decades. It is not as simple as designating lands around certain Kitikmeot communities as 'no development zones' and then other areas of the Kitikmeot as 'open for development' because KIA IIBA benefits of are shared among all Kitikmeot Inuit.

The DNLUP is too focused on conservation, and fails to recognize the efforts the KitIA itself has taken to achieve balance between conservation and economic development with surface IOL in the Kitikmeot Region. It is clear the DNLUP's focus on conservation comes at the expense of potential economic development in the Kitikmeot and to the standard of living and quality of life of Kitikmiut. The disproportionate balance taken towards conservation at the expense of economic development is another reason the KitIA has serious concerns regarding the 2021 draft Nunavut Land Use Plan in its current form.

3.2. Impeding Kitikmeot Inuit Association Rights to Negotiate Inuit Impact and Benefit Agreements as a Designated Inuit Organization

Inuit Owned Lands: DNLUP impact on Existing and future Conservation Area IIBAs

NPC has disregarded the multiple NTI-RIA submissions that expressed our concerns about the DNLUP's potential impact on existing and future IIBAs. Conservation Area IIBAs are bilateral agreements between DIOs and Government that often address land management matters. Because these IIBAs have co-management and land management contexts, the DNLUP should respect the existing IIBA relationships and processes of the Nunavut Agreement.

(a) DNLUP impact on Existing Conservation Area IIBAs



The three RIAs are the DIOs responsible for the functions outlined in Articles 8 and 9, and as such the RIAs and NTI have negotiated multiple IIBAs with the Government of Canada and/or the Government of Nunavut. Each IIBAs clearly spells out the relationship the signatories have with respect to IOLs, and the following are three examples:

- Umbrella Inuit Impact and Benefit Agreement for Territorial Parks in Nunavut;
 - Section 10.1.1(d) specifies that *“Parks should not prevent access or infrastructure needs for the efficient development of Mineral resources in the vicinity of a Park or on Inuit Owned Lands.”*
- Umbrella Inuit Impact and Benefit Agreement for Canadian Heritage Rivers in Nunavut.
 - This IIBA states in Section 4.3.2 that: *“For greater certainty, Government of Nunavut or Government of Canada decisions and activities related to CHRs, including CHR Designation Documents, will not affect or impose any obligations or restrictions on the ownership and management of IOLs by RIAs or NTI or affect land use activities on those IOLs, without the agreement of the owner of the IOL.”*
- 2016 to 2023 Inuit Impact and Benefit Agreement for National Wildlife Areas and Migratory Bird Sanctuaries in The Nunavut Settlement Area;
 - Article 4 articulates a much more structured relationship between the signatory parties, requiring the Minister’s approval for RIA-supported Permit Applications, with considerations for ecological, economic, social and cultural attributes of the proposed activities.

The NPC’s DNLUP has designated territorial parks, Migratory Bird Sanctuaries and National Wildlife Areas, and Canadian Heritage Rivers as Limited Use areas with specific prohibited activities. Those activities are not identified as prohibited either in the IIBAs, or the legislation on which the area is based. In fact, all these areas already have a binding legal framework agreed to by both Inuit and government for their management.

By proposing the imposition of these additional prohibitions, the NPC is encumbering the signatories’ capacity to properly implement the IIBAs. In addition, the DNLUP prohibitions may conflict with the management frameworks negotiated for these areas. The DNLUP prohibitions are not consistent with the outcomes of *Nunavut Agreement* implementation for these conservation areas.

As a DIO for Articles 8 and 9 of the Nunavut Agreement and signatory to these IIBAs, the KitIA has very serious concerns with the effects of the DNLUP in conservation areas and their management its current form.

(b) DNLUP impact on future conservation area IIBAs



The Canadian Wildlife Service (CWS) has submitted polygons to the NPC identifying what it considers as Key Migratory Bird Habitat Sites which would, with the Limited Use designation applied thereon by the NPC, essentially become conservation areas if the DNLUP becomes effective in its current form. In KitIA's view, there is little to no difference between the ecological and conservation characteristics of what the CWS calls a Key Migratory Bird Habitat Sites and Migratory Bird Sanctuaries. The significant difference between the two, however, is that the latter must be established under federal legislation and requires an IIBA as per the *Nunavut Agreement*.

If the CWS wishes to establish a conservation area, the Government of Canada and the DIOs have mechanisms in place to address these designations as previously negotiated under the *Nunavut Agreement*. In this particular case, however, the CWS with the cooperation of the NPC (in applying a Limited Use designation on those areas), would effectively hinder any potential for the DIOs to negotiate an IIBA in good faith with governments. The NTI and RIAs have repeatedly expressed concerns regarding the proposed Key Migratory Bird Habitat Sites to the NPC, even proposing the use of a sunset clause, all to no avail.

The very same scenario is repeated with respect to the calving and post-calving polygons submitted by the Government of Nunavut's Department of Environment and the Limited Use designation as per the current DNLUP.

Once again, these are additional examples of how the NPC's current DNLUP effectively hinders a DIO's ability to execute, in good faith, its functions and responsibilities under Article 9 of the *Nunavut Agreement*, and this is a very serious concern for the KitIA as the DIO for the Kitikmeot Region. The NPC approach to development of the DNLUP is effectively enabling government to use the NLUP to avoid the processes required to establish legislated conservation areas, and the associated IIBA requirements.

3.3. Kitikmeot Inuit Consultation Process

Subsection 11.2.1(d) of the *Nunavut Agreement* requires that:

the public planning process shall provide an opportunity for the active and informed participation and support of Inuit...

Between November 18 and 27, 2019, the NPC conducted community consultations on the 2016 version of the DNLUP in all five Kitikmeot communities. A KitIA staff member was permitted to observe the community consultations, but they were not permitted to speak on behalf of the



KitIA. KitIA suggests that it was inappropriate for NPC to prevent KitIA as the DIO and representative of all Kitikmiut beneficiaries from participating and more importantly assisting Inuit community residents to understand the nature and effects of the matters discussed in these consultation meetings.

The five summary reports of these community meeting are accessible on NPC's Public Registry. The information the NPC received during these consultations led to some of the changes we observe in the current 2021 DNLUP. The table below is a compilation of the attendance numbers as they were recorded in the NPC's summary reports:

Community	NPC afternoon session	NPC evening session
Kugaaruk (Nov. 18, 2019)	~45	~50
Taloyoak (Nov. 20, 2019)	~30	~30
Gjoa Haven (Nov. 21, 2019)	~15	~25
Cambridge Bay (Nov. 25, 2019)	~10	~25
Kugluktuk (Nov. 27, 2019)	~40	~10

Therefore, approximately 300 community members (rounding up from 280) attended and participated during the NPC's 2019 Kitikmeot community consultation sessions. The NPC asked leading questions such as these with respect to Key Migratory Bird Habitat Sites (cited directly from NPC's reports with emphasis the leading phrases):

- **"Do you agree** that this is key migratory bird habitat?
- **"Do you support** the recommended prohibition and conditions for protections these migratory bird habitat areas?
- "Is there anything else the **NPC needs to know for protecting key migratory bird habitat** or how it may be used by proponents?"

Observers of the 2019 NPC community engagement sessions in the Kitikmeot Region noted that NPC did not explain the significance of IOL on the maps used in consultations, nor was it making Inuit aware of IOL locations until observers brought this to the attention of NPC - after several engagement sessions were complete. The fact that NPC later indicated and/or mapped that IOL was present in the Key Migratory Bird Habitat did nothing to help Inuit understand the impact



of the proposed prohibitions or conditions imposed on the DIO's capacity to manage IOLs or negotiate an IIBAs. Because the KitIA was not permitted to speak during these meetings, the majority of these community members were not aware much less fully versed on the functions and responsibilities of a DIO as they pertain to IOLs, parks and conservation areas, nor to IIBAs.

In KitIA's view, the NPC did not effectively "*provide an opportunity for the active and informed participation and support of Inuit*" (as per Subsection 11.2.1(d)) because Inuit were not provided with information to consider alternative choices, nor to understand the consequences to DIO functions and responsibilities if Inuit supported the protection of Key Migratory Bird Habitat Sites. This was a substantial shortfall to the community members' active and informed participation, and this is a very serious concern for the KitIA in relation to the consultation process and fairness.

As a final note in this section, the NPC incorporated the input of approximately 300 Kitikmeot Inuit many of whom favoured conservation as Limited Used designated areas into the 2021 DNLUP. However, as previously noted, most were not fully versed on the rights and responsibilities of a DIO. Furthermore, by proceeding as it did, NPC prevented KitIA from assisting its beneficiaries to understand the potential effects of the designation of these proposed limited use areas on benefits which might be available through IIBAs negotiated in the manner anticipated by the *Nunavut Agreement*.

3.4. Unsystematic Approach to Caribou Protection

The KIA fully acknowledges and agrees that maintaining healthy caribou populations is important to the health and wellbeing of Kitikmiut. However, it is very clear from the public record that there is a great deal of variability in opinions and evidence regarding the definition and delineation of areas critical to caribou lifecycles and the appropriateness of various mitigation or management approaches. Despite these questions, particularly those concerning the data behind the delineation of the areas by the GN DOE, the NPC has not sought further clarity from the DOE and instead has expanded these areas based on additional community input.

As a result, it is impossible for KIA to determine the validity of the NPC information from GN DOE about caribou calving areas. This is highly problematic, and KIA independent research shows that NPC's information is likely flawed. For this reason it is likely that the DNLUP approach will not protect caribou, and at the same time will negatively affect other carefully planned land uses to benefit the socio-economics of the region.



KIA has traditional knowledge evidence, information about proposed National Park and Territorial Conservation areas that became obsolete for caribou calving protected areas, and recent analysis of caribou collar data about caribou calving grounds to prove that creating fixed boundaries for caribou calving conservation areas is most likely to be ineffective.

KIA has a traditional knowledge database which shows that caribou calving areas change frequently over time and space when using long time horizons and that many areas of the Kitikmeot Region mainland have been used as calving grounds at some point in history. For example, calving grounds are identified in KIA's traditional knowledge database that are not used today, and were from before scientists began to fly aerial surveys to find calving caribou. It is possible that these areas will be used again in the future. The timing and location of these calving grounds shifts appear to be impossible to predict by scientists and Inuit alike. According to Inuit traditional knowledge changes in caribou herd distribution and numbers are considered normal, although at times these changes have caused great hardship (**See Figures 1 and 2**).



Figure 1: Inuit Traditional Knowledge of Calving Areas used by Caribou West of Kugluktuk from the 1880's to the 1960's.

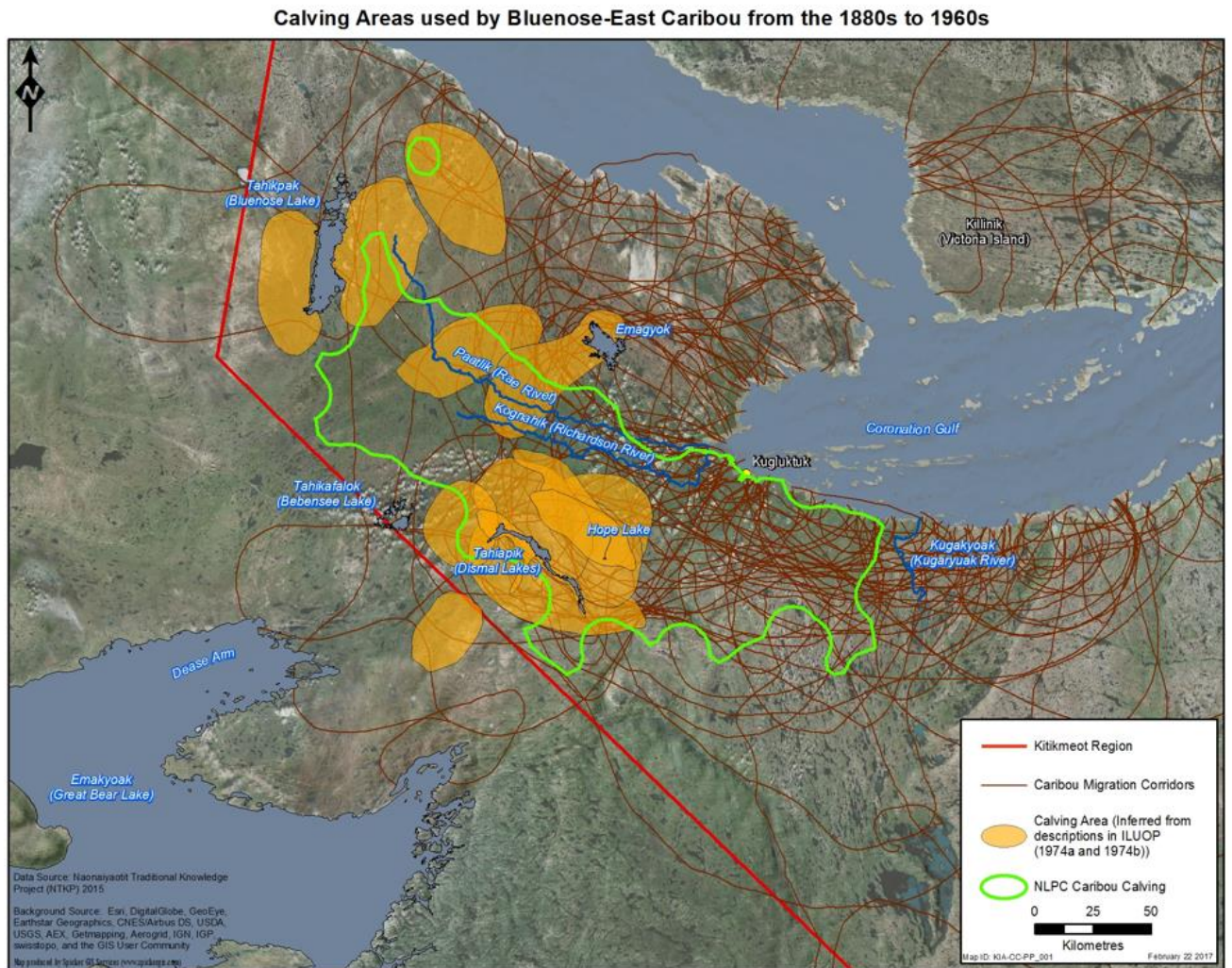
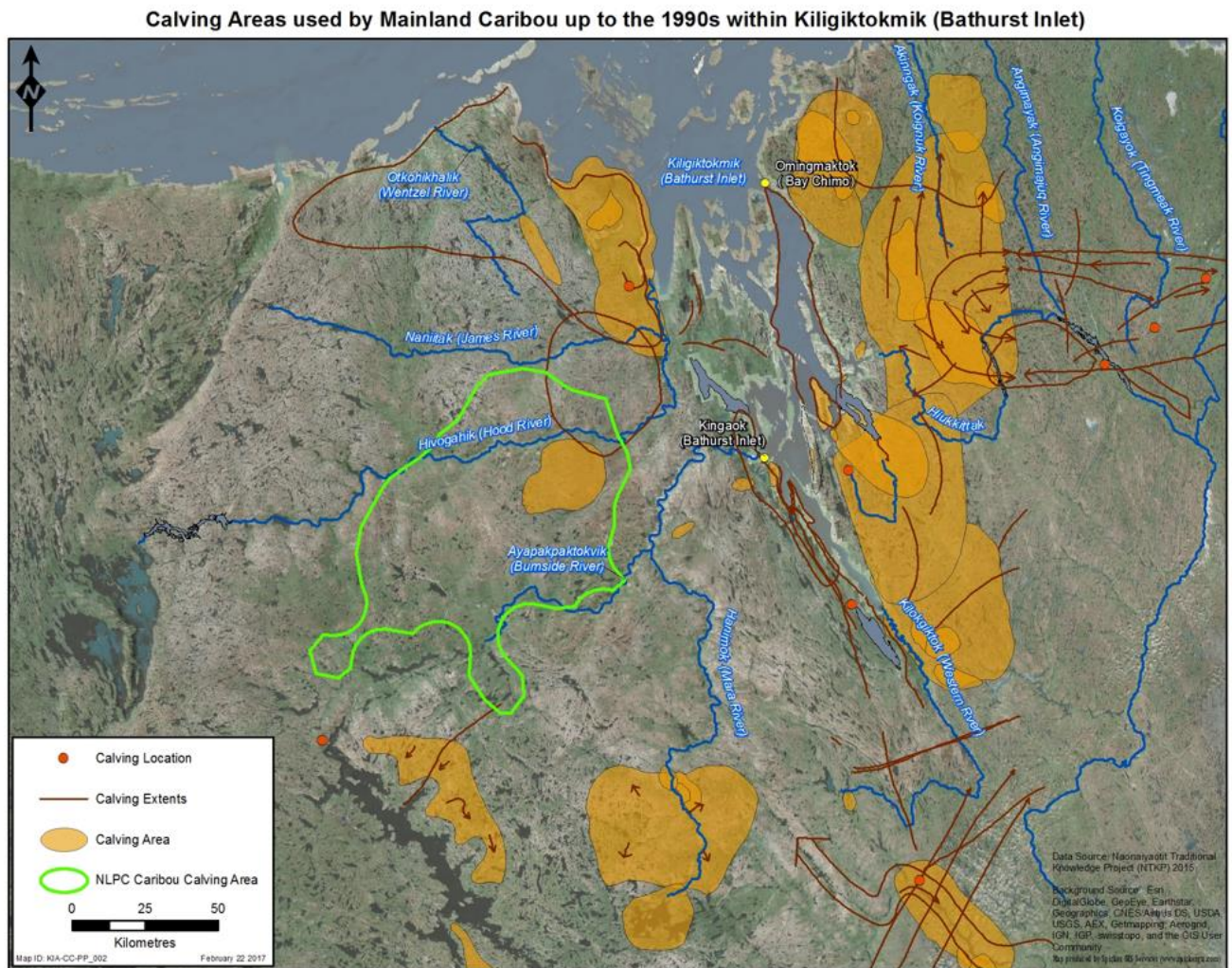


Figure 2: Inuit Traditional Knowledge of Calving Areas used by Caribou around Bathurst Inlet from the 1880's to the 1960's.



Over the last 40 years Parks Canada and the Government of the NWT both proposed protected areas for caribou calving areas, and none of them currently harbour a significant population of calving caribou today. Pre-division from Nunavut, the GNWT proposed a protected area on the east side of Bathurst Inlet to protect the Bathurst Caribou calving area at that time. Since then the herd has calved on the west side of Bathurst Inlet for at least 2 decades. There is now evidence that there is an eastward shift in Bathurst calving occurring again. Parks Canada



proposed the extension of the Tuktu Nogait National Park in the extreme west of the Kitikmeot mainland at Bluenose Lake to protect the calving area of the Bluenose East Caribou herd. The Bluenose East Caribou herd shifted eastward towards Kugluktuk to calve for at least the last 20 years well outside the proposed park boundary. These examples show that by the time the authorities study and then legislate to establish a protected area the caribou may have already moved on. These examples also indicate that protected areas with fixed boundaries for the protection of a single component of the life cycle of caribou are not likely to be effective.

In Quebec, where caribou calving ranges have been delineated and given legal protection, a study evaluating the effectiveness of the protected area found that only 10 to 27% of the annual calving grounds were actually protected, despite the Quebec Government attempts to temporally update the calving range due to annual range shifts. Static protected areas may be simple to establish and can provide certainty in terms of no-developments zones, but they are not effective at protecting caribou calving grounds when caribou display such variability in area use as they do in the Kitikmeot. (Citation: Taillon, J., M. Festa-Bianchet, S. D. Côté, 2012. Shifting targets in the tundra: Protection of migratory caribou calving grounds must account for spatial changes over time. *Biological Conservation*, 147:163-173.)

To further study this issue, KIA contracted Environment Dynamics Incorporated (EDI) to model the caribou calving ground changes during the calving season of the Bathurst and Bluenose East Caribou herds. The EDI analysis and methods are made explicit to all in their report. This work was based on available caribou collar data from the GNWT between 1996-2021. **(See separate EDI Report submitted by KitIA)**

For the Bathurst Herd, the NPC's calving ground limited use area does not match the caribou locations identified by the collar analysis of the EDI report, after 2011. The Bathurst calving area in the EDI report has shifted eastward and is much smaller than the DNLUP limited use area. In fact, from 2017 onward the Bathurst calving area appears to be moving in an eastward direction outside the current DNLUP limited use polygon. There appears to be a trend that a shift is underway for Bathurst caribou to calve east of Bathurst Inlet again **(See Figure 3)**.

The Bluenose East Caribou herd, in the last 20 years, has only used a small portion of the calving area identified in the DNLUP. The original 2011 DNLUP polygon for the Bluenose East caribou calving area after no longer represents the current calving area, which shifted northward in 2013. NPC modified the limited use area in 2016, but caribou are now also calving east of this area. There are areas to the south and east of the original NPC polygon that have not had calving caribou for many years. **(See Figure 4)**.

Based on these sources of evidence, the KIA Board passed a resolution to advocate for mobile protection measures to protect caribou wherever they occur. The GNWT currently uses mobile



zones based on Bathurst and Bluenose East caribou collar data to prevent human caribou harvest and direct wolf hunting initiatives. So the approach may have potential application to mitigate potential disturbance of caribou by development.

Recent NIRB decisions about caribou mitigation requirements at Hope Bay and Back River to protect caribou from disturbance using monitoring to trigger protective action when caribou are present and then certain development activities cannot occur in order to minimize any effects on caribou. A similar approach should be considered for the DNLUP. In addition we direct the NPC to the GNWT Bathurst Caribou Range Plan of 2019 and their approach to defining acceptable thresholds of development in caribou habitat rather than defining fixed limited use designations. This threshold based approach, plus mobile protection, and project specific impact assessment will likely offer a more realistic and flexible alternative to conserve caribou than the current proposed DNLUP.



Figure 3. The Bathurst Caribou calving area from 1996 to 2021. GNWT collar data analyzed by Environment Dynamics Inc. for KitIA. Note that after 2011 the NLUP limited use polygon poorly matches the actual Bathurst caribou calving area and after 2017 the herd appears moving eastward outside the limited use polygon.

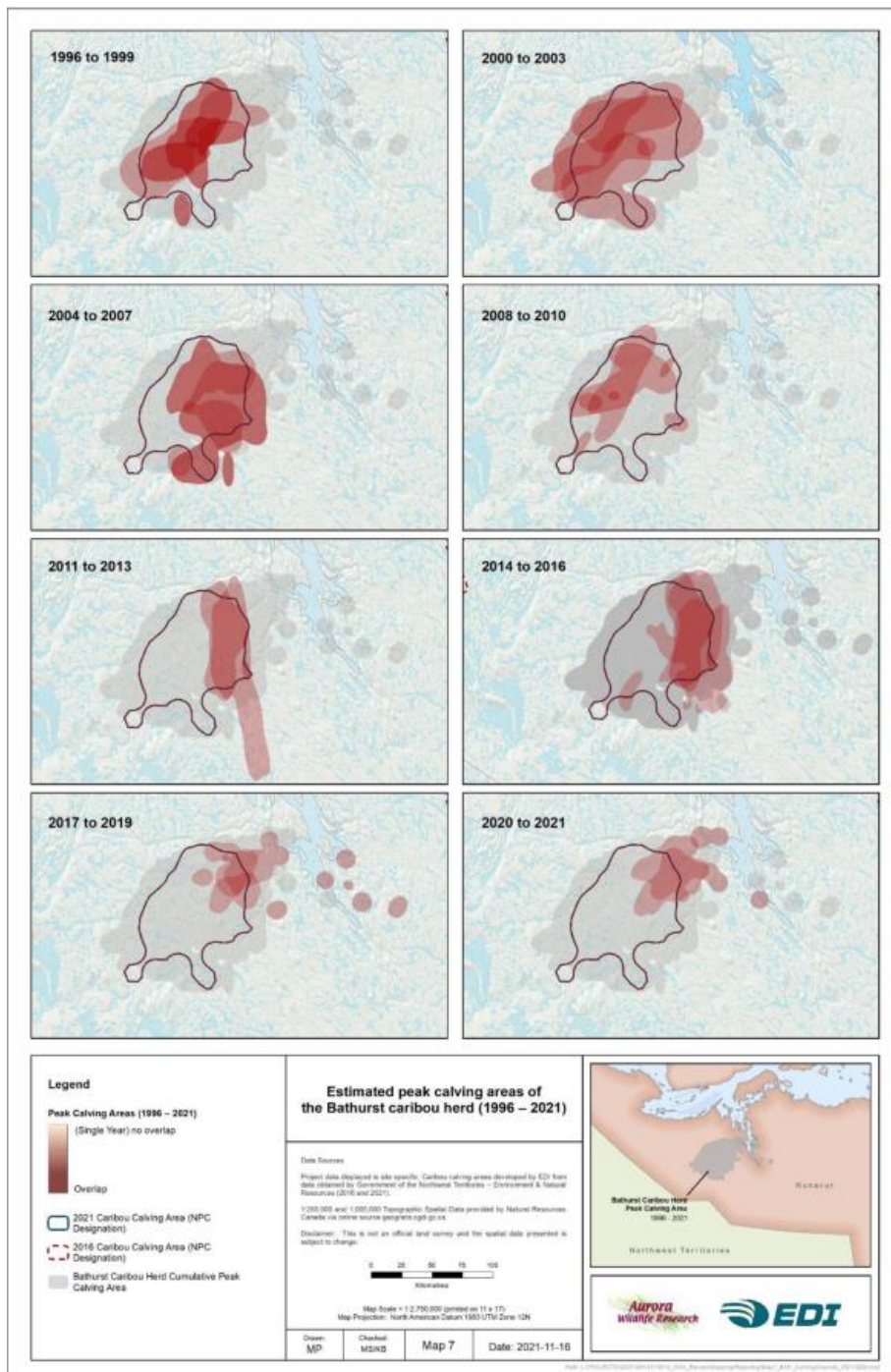
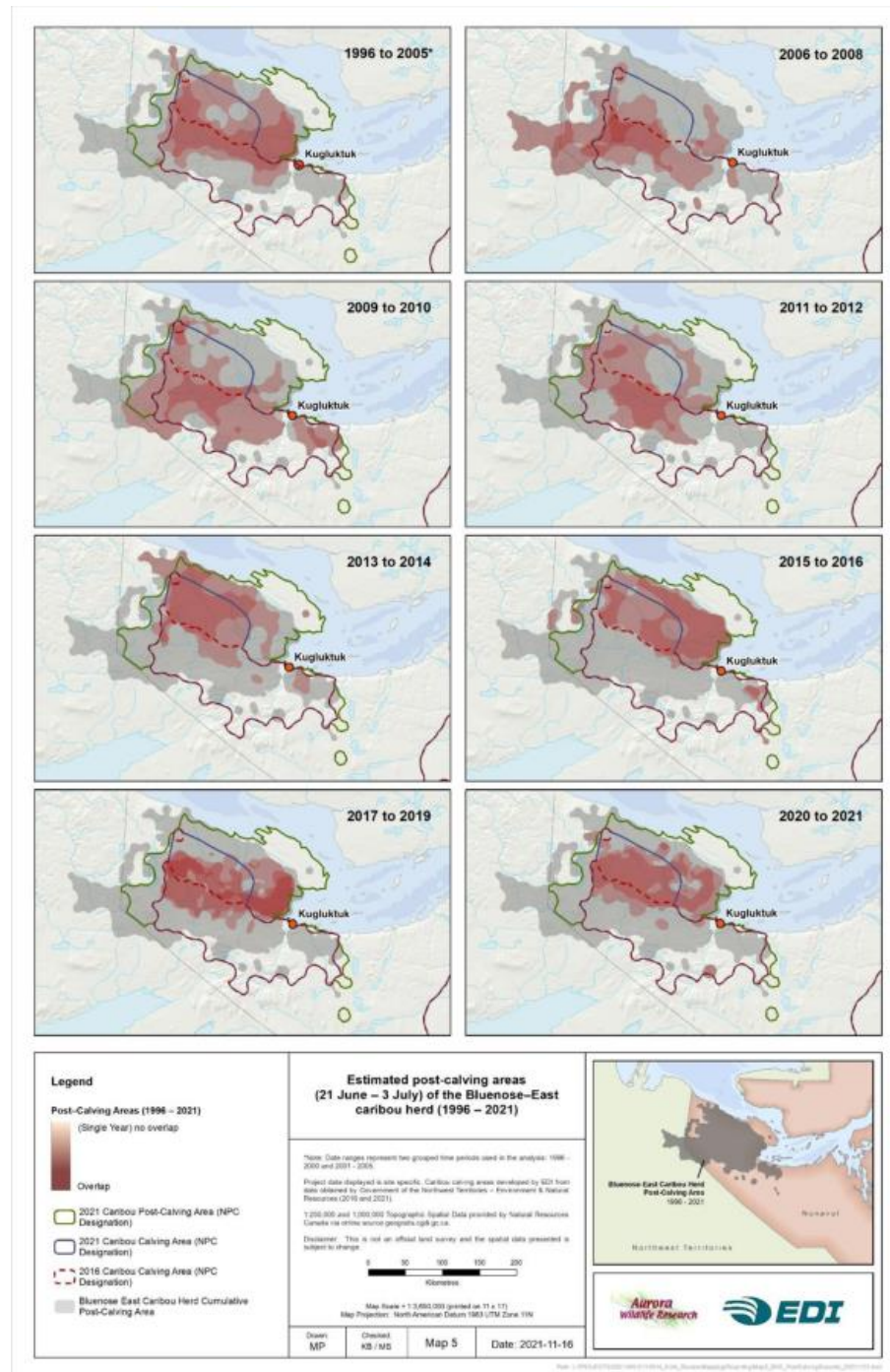




Figure 4. The Bluenose East Caribou calving area from 1996 to 2021. GNWT collar data analyzed by Environment Dynamics Inc. for KitIA. The original 2016 limited use area for calving went obsolete around 2013 when calving shifted northward. NPC modified the limited use area in 2021, but caribou now also calve east of the 2021 modified area.





3.5. Diminishing the Roles of the Nunavut Impact Review Board and Nunavut Water Board

The DNLUP creates so many no development areas in the Kitikmeot region that it intrudes on and disempowers NIRB and NWB authorities to manage development. The implication is that NPC believes these IPGs are unable to conduct effective impact assessments and apply meaningful mitigation to development projects. It also ignores the fact that NIRB is able to reject inappropriate development proposals based on sound evidence-based reasoning, community input, and Inuit involvement.

The NIRB carefully reviews all development applications and KIA actively participates in the NIRB process. The NIRB uses a rigorous and detailed assessment takes place in all screenings and reviews regarding caribou. Most of the NPC limited use and conditional use designations relate to caribou. The NPC caribou polygons do not consider mitigation or actual effects of development on caribou. The KitIA believes that the NIRB and NWB process can be trusted to determine if a development should proceed or not based on Inuit values, community input, and the interests of all Canadians.

The DNLUP seems to undermine NIRB's and NWB's capabilities and authorities. Does NPC not have confidence in the NIRB to effectively assess if development should be allowed in areas deemed sensitive by some stakeholders? Does NPC not believe in NIRB's capacity to apply adaptive management based on traditional knowledge and the most recent science?

There is no firm evidence that properly planned and mitigated development in the Kitikmeot region by NIRB will affect wildlife populations, including caribou. The recent focus on caribou is likely more to do with population dynamics unrelated to development in the Kitikmeot, because there is very little development currently in the region.

The KitIA is experienced with participating in rigorous reviews in the NIRB and NWB process, and is confident in their evaluations and recommendations. Their assessment is based on data verifiable by third parties, which is unlike some DNLUP data.

3.6. Lack of a Corridor for Grays Bay Road and Port

There are three base-metal advanced exploration projects in the Kitikmeot Region, and for them to be viable in the future they will need a road and port to transport ore concentrate to tide water for shipping to a smelter. The three advanced deposits are the Izok Lake, High Lake and Hackett River Deposits. There are also several other promising base metal deposits in the



region. Along with these base metal deposits there are a variety of other promising precious metal and other exploration projects in the Kitikmeot Region.

KitIA also has existing bilateral Framework Agreements with Agnico Eagle Mining Ltd., and Sabina Gold and Silver Ltd., that guarantee socio-economic benefits to Kitikmeot Inuit and any current or future DNLUP designation that impinges on these projects affects the socio-economic interests of Inuit.

Due to the remote nature, challenging climate, and lack of infrastructure in the Kitikmeot Region, many developments have never graduated to mining. It takes a complex set of coinciding circumstances to move a project forward in the Arctic, which rarely occurs. For example, the Izok and Hackett River deposits have been studied for development since the 1950's and in spite of several attempts, there has not been a successful initiative to extract these minerals. For this reason the DNLUP represents another complexity and uncertainty in an already challenged development environment, rather than a socio-economic opportunity or certainty.

KIA is the proponent of the Grays Bay Road and Port. Part of the purpose of this road and port is to provide a transportation corridor for the mineral industry in order to move ore concentrate to tidewater. There have been other proposals for a road and port on the mainland of the west Kitikmeot region supported by KitIA in the past.

KitIA is seriously concerned that the limited use designations in the DNLUP will prevent the development of the Grays Bay Road and Port. The development of a Road and Port, as well as supporting other precious metal mineral development projects in the region, are important to securing the long-term socio-economic future of Kitikmeot Inuit. **(See Figure 5)**

KIA has communicated many times with NPC staff to include the Grays Bay Road and Port in the DNLUP but all requests have been ignored. Limited Use areas that prevent access from a future Road and Port to other high value mineral development lands owned by Inuit is also of serious economic concern.

There is also a public easement in Schedule 19-11.9 of the *Nunavut Agreement* that contemplates a transportation route between Kugaaruk and Nauyasat. This easement crosses Inuit owned land and crown land. The DNLUP also prevents this transportation corridor from being developed in the future by a limited use designation.

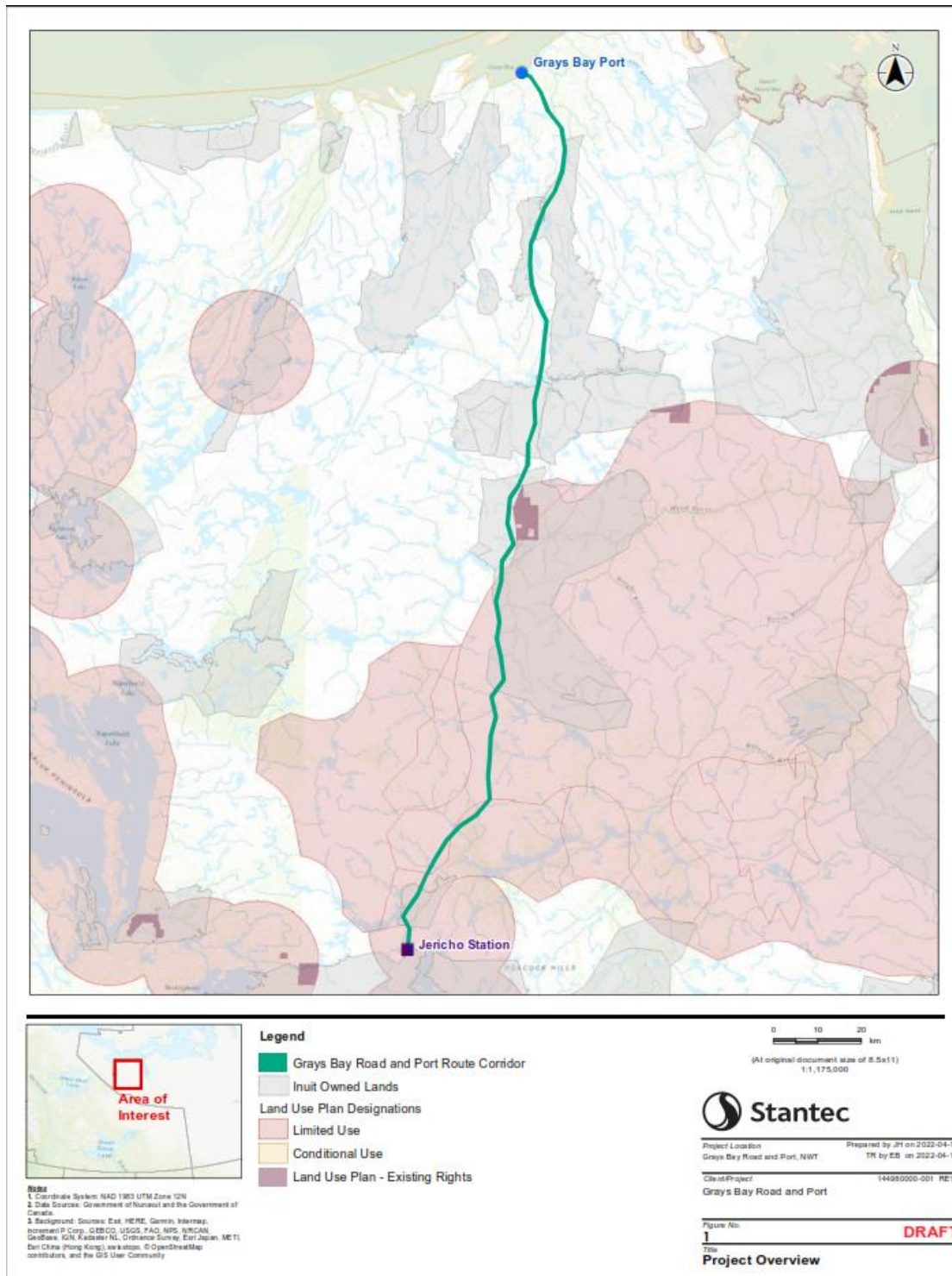
There is also access corridor contemplated for Wager Bay which could service the East Kitikmeot Region and provide considerable future socio-economic benefits. A bilateral contract between Inuit and Canada in the Ukkusiksalik National Park IIBA, section 2.5, creates a process to allow a transportation access corridor through Ukkusiksalik National Park to enable mineral



development. The Kitikmeot region, Kitikmeot IOL, and Kitikmeot communities lie north and west of Ukkusiksalik National Park. This access corridor was negotiated to keep future mineral development options available in this part of Nunavut for the benefit of Inuit. NPC proposes considerable limited use areas north of Ukkusiksalik National Park. NPC by proposing these limited use areas is interfering with DIO authorities already committed by contract between Inuit and Canada and is protected by the Nunavut Agreement.



Figure 5. The Grays Bay Road and Port Proposed Transportation Corridor, Inuit Owned Land, and Proposed Limited Use Areas west of Bathurst Inlet, Kitikmeot Region.





3.7. Lack of Socio-economic Focus in the Draft Nunavut Land Use Plan

There is an overall lack of meaningful socio-economic consideration in the DNLUP. Aside from some commercial Char fishing areas, the only other areas identified for socio-economic priorities are additional proposed conservation areas that function as limited use zones.

The DNLUP appears to do little to promote the standard of living or quality of life of Inuit in the Kitikmeot. The levels of social assistance in a jurisdiction is a measure of the amount of poverty found here. Nunavut has the highest rate of social assistance of any Province or Territory in Canada. The average rate of social assistance in Nunavut is 50% in 2018. The detrimental social consequences of this fact touches many lives in Nunavut. Kugaaruk and Taloyoak have the highest rates of social assistance at 75% and 70%, in that order. Gjoa Haven, Kugluktuk, and Cambridge Bay have social assistance rates of 60%, 45% and 21%, respectively, which are also all high by Canadian standards.

The DNLUP will protect land from development. However, KitIA is not aware of traditional knowledge or scientific information to show that carefully planned, mitigated, and approved development typical in the Arctic affects wildlife populations or reduces the benefit from the traditional economy. These development opportunities can improve the socio-economic situation of the Kitikmeot Region. It is possible the long-term effect of the DNLUP will be to stagnate local employment, social and other economic opportunities to Kitikmeot Inuit at a time when the population is growing rapidly.

3.8. Role of Future Regional and Sub-regional Land Use Plans with Respect to an already Complicated and Detailed Draft Nunavut Land Use Plan.

Section 11.5.1 of the *Nunavut Agreement* states:

A Nunavut land use plan shall be formulated by the NPC in accordance with section 11.5.4 to guide and direct short term and long term development in the Nunavut Settlement Area. Regional and sub-regional components of the land use plan shall be implemented where approved pursuant to section 11.5.9.

KitIA is concerned that the DNLUP is far too complex and detailed and contains matters that are inappropriate for scope of a Nunavut plan. The DNLUP cannot effectively capture regional and sub-regional differences in Nunavut due to the level and quality of information required, the in-depth level of consultation about trade-offs involved, and regional and sub-regional differences that are to be expected in such a large geography as Nunavut. This is particularly relevant for caribou conservation issues, as an example.



Additionally, the Nunavut Land Use Plan creates problems regarding the future scope and additional limitations in Regional and Sub-Regional Plans. For example, if the DNLUP sterilizes over 50% of the IOL in the Kitikmeot region, what will the cumulative effect of the Regional and Sub-regional land use plans add to an already intolerable amount of affected IOL? It is assumed that reductions in DNLUP protected areas will not be permitted in Regional and Sub-regional plans. Further, the level of Inuit consultation and local community input required for sound land use planning about wildlife areas, socio-economic development, economic development, and their trade-offs for land use planning purposes is better applied at the regional and sub-regional levels where the critical affects on Inuit can be explained at the local level. The level of detail and complexity of the DNLUP along with the concurrent poor level of community engagement and Inuit consultation invites serious criticism of the validity of the contents of the DNLUP.

4. Summary

The KitIA has fully participated in the DNLUP process and has provided comments to NPC in writing, and when requested by NPC staff. KIA has consistently registered its concerns with NPC in prior submissions and comments about the DNLUP. It appears that the current DNLUP has done very little to recognize or accommodate KitIA concerns.

As the DIO for the functions and responsibilities identified under Articles 6, 8, 9, 19, 21 and 26, and respecting Sections and Subsections 11.2.1(b), 11.2.1(d), 11.8.2, and 17.1.1 of the *Nunavut Agreement*, the KitIA is very concerned with the manner in which NPC's community consultations were undertaken, and likewise with the integration of that information into the current version of the DNLUP.

The NPC has placed more weight on information it has gather in a faulty and flawed manner, than on information and recommendations provided to the NPC directly by the DIOs with legally assigned responsibilities for those functions. One of the results of this failure is that the DNLUP imposes substantial decision-making limitations on IOLs and these limitations would significantly hinder the functions and responsibilities assigned to the DIOs as per the *Nunavut Agreement*.

It cannot be overstated how drastically the DNLUP diminishes the value of IOL and the rights of Inuit to self determine their socio-economic future. IOL was a key component of the land claim settlement between Inuit and Canada. These lands and the benefits to be derived from them are an important part of the legacy of the *Nunavut Agreement*. NPC has effectively sterilized these Inuit rights with its DNLUP.



KitIA disagrees with NPC's approach to caribou conservation and believes the use of the land by caribou will change faster than NPC can amend the NLUP. KitIA's view is supported by multiple types of evidence. KIA supports mobile protection measures and this has been ignored by NPC.

The KitIA has confidence in the NIRB to carefully assess and decide if a development should be allowed in the Kitikmeot region, and if it is allowed, NIRB and NWB decide under what circumstances. In general, the NIRB process contains a much more rigorous, evidence based, and thoroughly documented process to justify its decisions compared to the DNLUP. Further, the level of complexity in the DNLUP is unwarranted considering that regional and sub-regional components are required. Regional and sub-regional plans are better suited to address and balance complex issues to meet regional and sub-regional interests.

The lack of a road and port alignment in the Kitikmeot Region and special consideration for the Grays Bay Road and Port in the DNLUP is a serious concern of KitIAs. The general lack of any detail about how the DNLUP promotes the socio-economic improvement of Inuit in the Kitikmeot region, with respect to transportation infrastructure, and other socio-economic development opportunities is equally problematic.

KitIA representatives are part of the Board of NTI, and NTI consent is required for any land use plan to be approved. Given the many concerns that KitIA has about the DNLUP in the Kitikmeot region, many changes to the DNLUP will be needed. As is, the DNLUP could do serious damage to the socio-economic future of Kitikmeot Inuit. The KitIA thanks NPC for inviting comments on the DNLUP. We hope that our comments are given serious consideration.