



Government
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Government of Canada Comments and Recommendations on the 2021 Draft Nunavut Land Use Plan

Submitted to the Nunavut Planning Commission on April 14, 2022

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1 Introduction

The Government of Canada is providing additional information and recommendations to the Nunavut Planning Commission (the Commission) as a result of continuing analysis of the 2021 draft Nunavut Land Use Plan (the Plan, DNLUP). This second submission includes:

- Section 1: this introduction.
- Section 2: the Government of Canada has two new substantive issues to raise regarding:
 - Resolving conflicts between Limited Use designations and significant discovery licenses; and
 - Improving the clarity and accuracy of maps and Geographic Information System (GIS) files.

As well, further comments and recommendations are made to elaborate on those presented in the October 8, 2021 submission, in order to:

- Clarify that individual vessel movements are not subject to Plan Requirement 2.2.5-1; and
 - Further clarify Government of Canada recommendations for clear guidance regarding existing rights.
- Section 3: outlines additional comments and recommendation regarding:
 - alternative energy sources,
 - corrections to information provided in our first submission specific to Key Migratory Bird Habitat Sites (KMBHS); and
 - caribou seasonal restrictions.
- Annexes: the Government of Canada is submitting additional information on mineral investments in Nunavut with the intention to support the Commission's efforts regarding balancing economic, environmental and social considerations, including:
 - Annex A: NRCan Presentation - Nunavut Mineral Project Exploration Spending and Mining Company the *Extractive Sectors Transparency Measures Act* (ESTMA) Payments; and
 - Annex B: Investments Made by Existing Mineral Exploration and Mining Projects in Limited Use Zones.

It should be noted that the recommendations the Government of Canada presented in its October 8, 2021 submission to the Commission continue to apply, except for those recommendations that are specifically modified by this submission. The Government of Canada looks forward to the Commission's response to requested clarifications and remains available to discuss any part of our submissions should any further explanation of our questions and recommendations be required.

Following the public hearings, and should Commission processes allow, the Government of Canada will be prepared to collaborate on the resolution of any remaining concerns, so as to try to advance the goal it shares with the Commission and other planning partners of arriving at an approvable draft Plan.

2 Substantive Issues to be Resolved

2.1 Significant Discovery Licences

The draft Plan identifies areas occupied by significant discovery licences (SDLs) as known Valued Socio-Economic Components (VSEC) in which oil and gas activities are allowed. Under section 5.2.8 of the Options and Recommendations document, the Commission recommended that SDLs be designated as VSECs as it “does not restrict access”. Despite this, SDLs 043, 071, 077 and 081 partially or totally overlap with Limited Use Areas within which oil and gas exploration and production, or associated activities, are prohibited (see Table 1). This creates contradictory land use rules within the boundaries of these SDLs. Prohibitions on oil and gas exploration and production in Limited Use designations within the boundaries of SDLs could result in the loss of an oil and gas asset for the companies that would be unable to explore or develop them in the future and therefore need to be removed.

Table 1: Significant Discovery Licences on land¹ and Limited Use Designations Overlap

SDL #	Company Name	Issue date/Expiry	Overlapping Limited Use Designations
SDL043 (x2)	Suncor Energy Inc.	1987-08-11/NA	29 - Peary Caribou
SDL071	Suncor Energy Inc.	1987-03-19/NA	91 - Priority Contaminated Site
SDL077	Suncor Energy Inc.	1987-03-19/NA	22 - Class 1 KMBHS (Fosheim Peninsula ²) 91 - Priority Contaminated Site
SDL081	Suncor Energy Inc.	1987-09-01/NA	29 - Peary Caribou 91 - Priority Contaminated Site Note: Overlaps with a Class 3 KMBHS (Sabine Peninsula ²), zoned as a VEC in the DNLUP.

Abbreviation: NA, not applicable

¹ Retrieved on 9-Nov-2021 from OpenGov database “Oil and Gas Rights” at <https://open.canada.ca/data/en/dataset/208ddd6d-dea8-4d1c-bf62-5b49e8983a51>

²Note that in the October 8, 2021 submission we recommend correcting Table 1: Migratory Bird Setbacks which includes changes to Fosheim Peninsula and Sabine Peninsula KMBHS where no setbacks for these sites were recommended by ECCC.

Overlaps with Priority Contaminated Sites:

In the case of the priority contaminated sites Limited Use designation, though oil and gas exploration and production are not explicitly prohibited, Plan Requirement 4.6-1(a) prohibits all uses “other than remediation or monitoring until its clean-up is completed and has been reported to the Commission” and 4.6-1(b) states that “no person is to use a landfill at such a site after remediation for the purpose of: i) drilling; ii) camps; or c) landing pads.” Prohibitions like these that overlap with SDLs could also result in the loss of an oil and gas asset for companies, as described above. Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) remains interested in maintaining the integrity of engineered works at these contaminated sites and ensuring that remediation and monitoring activities can take place. Removing the Limited Use zoning and assigning a VSEC designation that gives consideration to these factors for these contaminated sites could be considered by the Commission as a way to ensure this information is carried through for consideration in the regulatory system.

Overlaps with Peary Caribou Habitat and Key Migratory Bird Habitat Sites

The Government of Canada recognizes that caribou and migratory birds are of critical importance to the well-being of Nunavummiut. There are legal obligations under the federal *Species at Risk Act (SARA)* for

protecting listed species and Critical Habitat, and under the *Migratory Birds Convention Act/Migratory Birds Regulations* for protecting migratory birds and their habitat, including those found within SDL boundaries. The SDLs highlighted in Table 1 overlap with two Key Migratory Bird Habitat Sites and important habitat for Peary Caribou on land (Peary Caribou are listed as Endangered under SARA - information on important and Critical Habitat for Peary Caribou is available in the proposed [Recovery Strategy for the Peary Caribou \(*Rangifer trandus pearyi*\) in Canada](#)). In addition, there are various SDLs in the seabed (see Figure 1 and Table 2) that overlap with sea ice crossings identified as Critical Habitat in the proposed Recovery Strategy for Peary Caribou. Environment and Climate Change Canada's Canadian Wildlife Service (ECCC-CWS) would like to highlight that under SARA, Critical Habitat identified in a species Recovery Strategy must be protected against destruction. Should the Limited Use designation and associated prohibitions be removed, designating these important habitat areas as Valued Ecosystem Components in the Nunavut Land Use Plan can help ensure that the Nunavut Impact Review Board (NIRB) and regulators give special consideration to potential impacts on caribou, migratory birds, and their habitat from activities associated with any future oil and gas projects occurring within these SDLs.

Additionally, prioritizing the use of Inuit Qaujimajatuqangit for Peary Caribou through consultations with communities would provide additional information on measures needed to avoid significant impacts on caribou and their habitat, including sea ice. Over the next several years, ECCC-CWS will be working with such communities and other northern partners to gather both Inuit Qaujimajatuqangit and other data on Peary Caribou and its habitat on land. The goal of this work is to make information available to proponents and decision-makers, which would further inform the Plan and other regulatory processes.

Figure 1: Significant Discovery Licences in seabed & overlap with Sea Ice Critical Habitat for Peary Caribou – green areas are Sea Ice Critical Habitat and purple areas are the significant discovery licences.

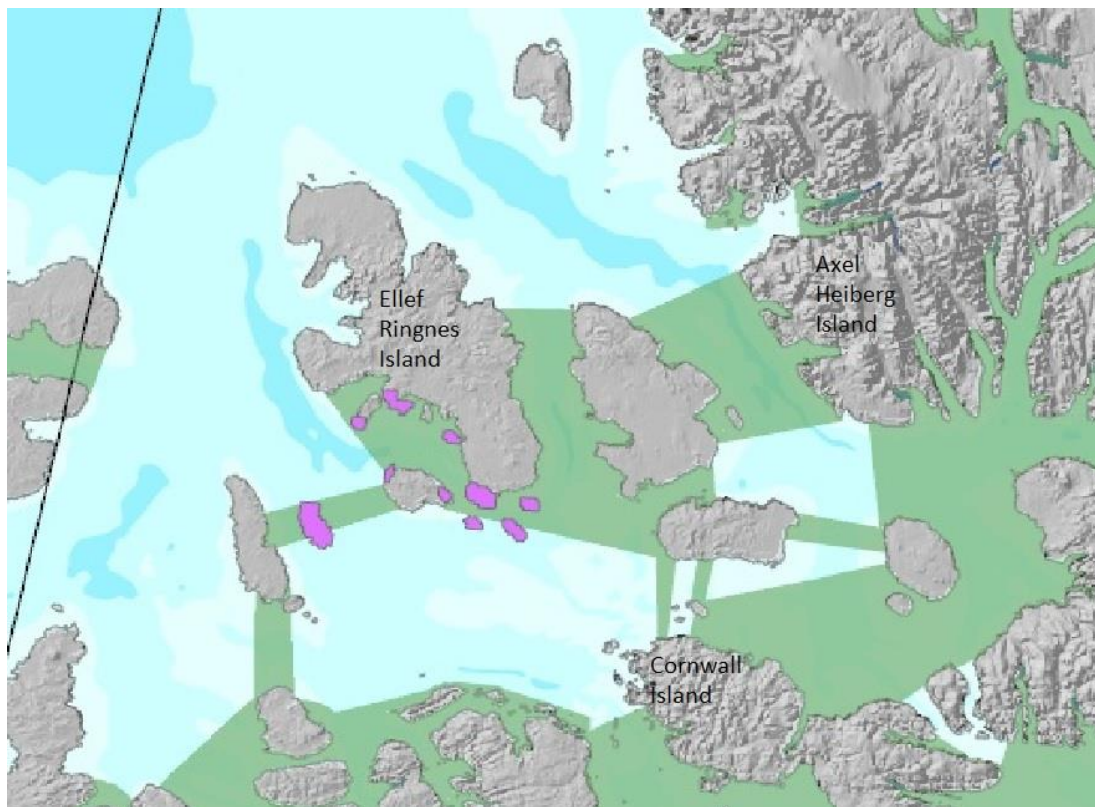


Table 2: Significant Discovery Licences in seabed & overlap with Sea Ice Critical Habitat for Peary Caribou

SDL #	Company Name	Issue date/Expiry
SDL044	Suncor Energy Inc.	1987-03-19/NA
SDL045	Suncor Energy Inc.	1987-03-19/NA
SDL046	Suncor Energy Inc.	1987-03-19/NA
SDL066	BP Canada Energy Group LLC	1987-03-19/NA
SDL068	Suncor Energy Inc.	1987-03-19/NA
SDL069	Suncor Energy Inc.	1987-03-19/NA
SDL070	Suncor Energy Inc.	1987-09-01/NA
SDL071	Suncor Energy Inc.	1987-03-19/NA
SDL073	Suncor Energy Inc.	1987-03-19/NA
SDL075	Suncor Energy Inc.	1987-03-19/NA

Abbreviation: NA, not applicable

Recommendations: The Government of Canada recommends that the Commission:

- Retain the designation of Valuable Socio-Economic Components for SDLs and replace the Limited Use designation with Mixed Use where it overlaps with SDLs footprint only (refer to Table 1 for list of overlapping Limited Use designations to be replaced).
- Designate the Priority Contaminated sites, Peary Caribou and KMBHS areas that overlap with SDLs identified in Tables 1 and 2 of this submission as Valued Components.
- Add a Plan Requirement to the “Information on Valued Components” box in the DNLUP (Section 5.2. pg. 41), stating: “5.2-2 The areas where significant discovery licences overlap, wholly or partially, with areas identified as Priority Contaminated Sites on Maps A1 and A2 and important land habitat and sea ice Critical Habitat for Peary Caribou and/or Key Migratory Bird Habitat Sites (shown on Maps A1-A2-A3, B1.1), are hereby identified as known Valued Ecosystem Components (shown on map B2.12)”.
- Until the time that the Peary Caribou Recovery Strategy is finalized, information in the proposed Peary Caribou Recovery Strategy should be considered during conformity determinations by the Commission and screenings by the NIRB if projects and activities in SDLs may disturb Peary caribou Critical Habitat. This will be required under the *Species at Risk Act*, as Critical Habitat identified in a species recovery strategy must be protected against destruction.

The Government of Canada will make itself available to meet with the Commission should any clarifications on the above recommendation be required.

2.2 Maps and Geographic Information System (GIS) files

The Government of Canada wishes to stress the importance that all maps and GIS files in the Nunavut Land Use Plan be clear, understandable and accurate. In its October 8, 2021 submission to the Commission, the Government of Canada submitted 15 recommendations regarding maps and GIS files in the draft Plan. Upon closer examination of Maps A1, A2, A3, as well as the associated GIS files, it is

apparent that the boundaries for Limited Use, Conditional Use, and Valued Component land use designations, are not aligned with the base map. This is especially apparent when viewing the maps and files on a larger scale.

It is important that the maps and GIS data provided by the Commission are as accurate as possible. For project proponents, regulators and general users to make informed decisions and for enforcement of plan provisions, the land use areas and their conditions for use must be clear, unambiguous and easy to identify.

The draft Plan does not include metadata, references and/or sources for the mapping information used to draw its land use designations, which further complicates analysis and creates uncertainty regarding the boundaries where Plan Requirements apply. Previously, the 2016 draft Nunavut Land Use Plan included data sources for its geographical information and maps under Table 6, a standard practice in geomatics. Including a similar table to accompany the 2021 draft Nunavut Land Use Plan would help improve clarity and aid users of the Plan.

Recommendation: The Government of Canada recommends that the Commission:

- Revise all maps in the 2021 draft Nunavut Land Use Plan to improve their accuracy, ensuring that land use designations align with the thematic spatial data layers that comprise the Plan and its underlying GIS base maps.
- Conform to and/or adopt a digital geospatial metadata standard for all elements of the land use plan, its GIS and associated data layers that clearly establishes the data origin, abstract, geographic extents, projections, underlying attribute information, and other relevant information.

2.2.1 Overlapping Land Use Designations

As noted in the October 8, 2021 submission, the Government of Canada continues to be concerned with the extent of overlapping land use designations in the 2021 draft Plan. In its analysis of overlapping land use designations, the Government of Canada has identified that approximately 5% of land use designations are areas where both Conditional Use and Limited Use apply. This figure doesn't include areas where Limited Use designations overlap with each other. By comparison, the draft 2016 Plan had approximately 3% of land use designation overlap between Protected Areas and Special Management Zones. This seems to conflict with the land use policy recommendation under section 6.2.3.2 of the Options and Recommendations document that states the Commission would aim to "limit overlapping land use designations to the extent possible".

The Government of Canada's current understanding is that the Commission intends to allow Plan Requirements to accumulate or stack, such that all of the prohibitions, seasonal restrictions or setbacks that apply in each of the overlapping zones would, in total, be applicable to any project undertaken in such an area. In its October 8, 2021 submission, the Government of Canada recommended that the Commission provide clear guidance on how to interpret overlaps and to resolve conflicting plan requirements. These recommendations still apply, but we also encourage the Commission to continue efforts to reduce these overlaps to the extent possible to reduce the uncertainty and potential for conflicting requirements or unintended consequences associated with stacking or prioritizing plan requirements.

2.3 Clarifying that Individual Vessel Movements are not Subject to Plan Requirement 2.2.5-1

Within section 2.2.2 of the October 8, 2021 submission from the Government of Canada to the Commission, the Government of Canada recommended that “the Commission should consider developing an exception to be included in Plan Requirement 2.2.5-1 and new or updated Plan Requirements whereby navigation that is required for Canada to meet its international obligations or foreign policy imperatives, including navigation through ice, is allowed. It is further recommended that the language of the exception should be clear that it is to be used in limited circumstances, and in consideration of the objective to protect these important sea ice crossings.”

The Government of Canada would like to reaffirm this recommendation and in keeping with this recommendation, further ask that the Commission consider adding a clear exception to Plan Requirement 2.2.5-1 for vessels simply travelling through the waters of the Nunavut Settlement Area.

Recommendation: The Government of Canada recommends that the Commission:

- Clarify that individual vessel movements are an exception to Plan Requirement 2.2.5-1 by adding the following to Plan Requirement 2.2.5-2: “Section 2.2.5-1 does not apply to an individual vessel movement if the sole purpose of the vessel movement is to pass through waters of the Nunavut Settlement Area.”

2.4 Recommended Changes to Provide Clear Guidance Regarding Existing Rights

The Government of Canada has additional comments and recommendations regarding mineral development, existing rights, and conservation that expand on those made under section 2.1.2 of the Government of Canada’s October 8, 2021 submission and are based on further analysis and clarifications received during meetings held in March 2022 between Commission staff and the Government of Canada.

In its October 8, 2021 submission to the Commission, the Government of Canada recommended the Commission rezone areas with existing mineral tenure currently overlapping with the Limited Use designation to Mixed Use areas in order to improve the clarity of intended land use in Nunavut. Upon further analysis and a better understanding of the 2021 draft Nunavut Land Use Plan, the Government of Canada has refined and expanded on that recommendation below based on a few factors. For clarity, the Government of Canada’s view stands that rezoning existing mineral tenure to Mixed Use would significantly improve the clarity of intended land use in Nunavut, particularly with respect to caribou protection and mineral development. That said, the Government of Canada recognizes the Commission has made efforts to incorporate a scheme to enable existing mineral exploration and production operations to continue while balancing environmental and social considerations (e.g., areas identified for the protection of caribou).

The Government of Canada’s analysis revealed that the 2021 draft Plan applies a Limited Use designation to three of Nunavut’s four active mines (i.e., Meliadine, Hope Bay, and Mary River) excepting only the Meadowbank Complex. These projects all possess project certificates, Type A water licences, land use permits, and/or leases, which together describe a complex set of terms and conditions

under which they must operate, and that have been tailored to the specific operation. The Government of Canada's view is that these mines should be zoned as Mixed Use. It would be both unnecessary, confusing, and potentially create inconsistencies for the Plan to apply requirements that may differ from similar existing terms and conditions in regulatory authorizations that are in place to protect the same environmental component. Further, the terms and conditions in relevant authorizations, including the NIRB project certificate, held by these projects were developed to mitigate the specific impacts of these mining operations. Should these terms and conditions be insufficient to protect the environment, the NIRB could re-open the project certificate and adjust the terms and conditions accordingly.

It is also necessary to be clear in the Plan that prohibitions on land uses ancillary to exploration and production, such as roads and quarrying, do not apply to existing mineral tenure.

Recommendation: The Government of Canada recommends that the Commission rezone all areas with existing mineral tenure currently overlapping with the Limited Use designation, to Mixed Use areas (with no applicable prohibitions, seasonal restrictions and setbacks) in order to improve the clarity of intended land use in Nunavut. There should be no overlap of Limited Use zoning with mineral tenure allowing exploration, development and associated activities, such as quarrying and linear infrastructure, to operate as per the Nunavut mining regulatory regime. Information on important caribou habitat (i.e. caribou calving, post-calving, freshwater crossings, etc.) not already identified as Valued Ecosystem Components (VECs) should be retained under the VEC designation to ensure it is considered by proponents and regulators.

In addition to the above recommendations, the Government of Canada has completed additional analysis on *Appendix A* and provides further comments below on aspects that need to be addressed, should the Commission move forward with maintaining exceptions to the prohibitions that apply to existing mineral rights and interests in Limited Use areas.

2.4.1 *Appendix A*

More than 90 existing mineral exploration and mining projects lie completely or partially within proposed Limited Use areas that would prohibit mineral exploration and production. Of those, approximately 50 are identified in *Appendix A* of the draft Plan. The draft Plan states that those projects, when significantly modified, would be exempt from prohibitions on mineral exploration and production in Limited Use areas, provided they remain within the project footprint identified in *Appendix A*, and subject to other restrictions. Many of the projects not included in *Appendix A* have only acquired mineral tenure recently, since the introduction of the Nunavut Map Selection system in January, 2021, which modernized mineral tenure acquisition in the territory. The fact that not all mineral tenure holders have been included in *Appendix A* means that some proponents would find it impossible to continue work on their projects up to production, resulting in the loss of significant investments made exploring and advancing these projects and discouraging others from doing work in the territory.

Section 6.2.8 of the Options and Recommendations document offers limited explanation on what criteria was used to create *Appendix A*. This section of the document makes several references to “mineral exploration and production projects arising from existing rights and interests registered with the Nunavut Mining Recorder or Nunavut Tunngavik Inc. that are identified as active projects previously reviewed under the *Nunavut Planning and Project Assessment Act* or the Nunavut Agreement”. However, as noted in the Government of Canada's October 8, 2021 submission, these criteria will not provide for the advancement of projects arising from existing mineral tenure that have yet to undergo

assessment under the Nunavut regulatory system. Using mineral tenure data from March 2022, the Government of Canada has identified 14 mineral leases, 102 mineral claims, and 38 prospecting permits that overlap with Limited Use areas in the Plan that are not included in *Appendix A* (see Table 3). Table 3 includes mineral tenure that is associated with current projects that have been reviewed under the *Nunavut Planning and Project Assessment Act* or the Nunavut Agreement, as well as mineral tenure that remains in good standing but for which a project has yet to enter the regulatory system.

The Government of Canada notes that before a lease of a recorded claim can be obtained, certificates of work documenting the equivalent of five years of work requirements¹ must have been received by the claim holder. Thus, all mineral leases included in Table 3 have evidence of physical work and should, in the Government of Canada's view, be included under *Appendix A*. The mineral claims include some that were issued years ago and have remained in good standing by submission of reports of work, and others that were acquired recently, and where work may or may not have been initiated. Prospecting permits are no longer being issued, and all existing prospecting permits were issued between 2016 and 2020; deposits are required to hold prospecting permits, and are reimbursed if reports of work are submitted, but there is no requirement to do work. Though prospecting permits occupy a large spatial area, many of the permits included under Table 3 may expire in 2023 and CIRNAC anticipates that many of these permits will lead to new mineral claims being issued prior to approval of the draft Plan. Therefore it will be important for the Commission to find a mechanism to keep *Appendix A* current up until approval of the Plan by the signatories.

CIRNAC, which has responsibility for management of mineral tenure issued under the Nunavut Mining Regulations, and the owners of the existing mineral rights themselves are well positioned to make determinations regarding the inclusion of their mineral tenure on *Appendix A*. For these reasons, the Government of Canada reiterates that it will be important to know when in the Plan's implementation process *Appendix A* will be finalized, and that the Commission work with CIRNAC and holders of existing mineral rights and interests to ensure *Appendix A*'s accuracy.

¹ Under the current Nunavut Mining Regulations that came into force on January 29, 2021, this number has changed to 10 years for future mineral claims.

Recommendation: Should the Commission remain committed to using *Appendix A* to list projects that are excepted from prohibitions on mineral exploration and production applicable in Limited Use Areas, the Government of Canada recommends the following:

- that the Commission rezone Limited Use areas where they overlap with Nunavut’s operating mines to Mixed Use areas (with no applicable prohibitions, seasonal restrictions and setbacks), retaining any information on important caribou habitat (i.e. caribou calving, post-calving, freshwater crossings, etc.) not already identified as Valued Ecosystem Components (VECs) under the VEC designation to ensure it is considered by proponents and regulators;
- that the Commission include all remaining mineral tenure that overlaps with Limited Use in *Appendix A*, regardless of whether it is associated with a project that has been approved under the NuPPAA or the Nunavut Agreement;
- that the Commission clarify that the exception under 6.1.8-1 applies to new project proposals or significant modifications to projects already approved under the NuPPAA or the Nunavut Agreement;
- that the Commission expand the exception from prohibitions on mineral exploration and production under 6.1.8-1 to also include an exception from prohibitions on relevant ancillary activities (e.g., linear infrastructure and quarrying); and
- the Government of Canada continues to recommend that the Commission work with Crown-Indigenous Relations and Northern Affairs Canada and holders of existing mineral rights and interests to ensure that any existing or future projects arising from existing mineral tenure that would be impacted by proposed Limited Use areas are accurately tabulated and identified under *Appendix A* of the Plan.

Table 3: Existing mineral tenure within limited use designations not included in *Appendix A*

Mineral Leases		
Lease Numbers	Owner	Comments
L-2346	Teck Mining Worldwide Holdings Ltd. (100%)	Polaris
L-2797	Victoria Copper Inc. (100%)	
L-3239, L-3242 – L-3245, L3247	Urangesellschaft Canada Limited (100%) (Orano)	Kiggavik
L-3407	Benchmark Metals Inc. (100%)	Contwoyto
L-3663	Glen Allen Hinch (100%)	
L-4600	Rhonda Corporation (100%)	Knife Lake
L-4942, L-4943, L-4945	North Arrow Minerals Inc. (100%)	Hope Bay (Oro)
Mineral Claims		
Claim Number	Owner	Comments

100120	Hudbay Minerals Inc. (100%)	Valid until 2123
100481 - 100493	Canadian Orebodies Inc. (100%)	Western block of Haig Inlet; Eastern block in <i>Appendix A</i> , ID 3
101450, 101788, 101789, 102096, 102097	TBG Construction Ltd. (100%)	Beluga
101456 – 101461, 101780, 101781	Agnico Eagle Mines Limited (100%)	ERIC
101682, 102513 – 102518	Apex Geoscience Ltd. (100%)	Mel
101708, 101943	Silver Range Resources Ltd. (100%)	Yandle
101709	Silver Range Resources Ltd. (100%)	Noomut
101728, 101730, 101973, 101974	Benchmark Metals Inc. (100%)	Contwoyto
101731, 101732, 101975	Benchmark Metals Inc. (100%)	Muskox; adjacent claim 101552 in <i>Appendix A</i> , ID 35
102446, 102449, 102451, 102455, 102667 – 102669, 102680	Bruce MacLachlan (100%)	NE Fault/Payback
102498, 102501, 102502, 102557	Eugene T. Flood (100%)	Anuri
102500	Eugene T. Flood (100%)	Artemesia
102513 – 102518	StrategX Elements Corp. (100%)	Mel
102533, 102535	Paul A. Sobie (100%)	PSKAM/ Aru
102540, 102542	Paul A. Sobie (100%)	PSH / Halkett Inlet
102562	Paul A. Sobie (100%)	PSTUN / Tunerq
102575, 102576, 102634 – 102636	William Love (100%)	SY
102647	StrategX Elements Corp. (100%)	TP
102651	Tao Song (100%)	Melville / Roche Bay
102663, 102664	Silver Range Resources Ltd. (100%)	Hiqiniq / Ujaraq
102684	Apex Geoscience Ltd. (100%)	Nanisivik

102691, 102692	Michael Magrum (100%)	Cott
102711 – 102714	Michael Magrum (100%)	Dismal Lake
102723	Michael Magrum (100%)	Nose Lake
102729 – 102732	Michael Magrum (100%)	Baker Lake Basin
102745 – 102747, 102751, 102752	Michael Magrum (100%)	Asiak River
102748	Michael Magrum (100%)	Coronation
102753, 102754	Trevor Boyd (100%)	Kaminak Lake
102771, 102781, 102787	Forum Energy Metals Corp. (100%)	Nunavut Uranium Project
102779, 102780	Joseph Toal (100%)	Beluga
Prospecting Permits		
Permit Number	Owner	Comments
P-26, P-28 – P-30	Aston Bay Holdings Inc. (100%)	Storm; related claims in <i>Appendix A</i> , ID 46
P-64, P-65, P-69	ValOre Metals Corp. (100%)	Baffin Gold
P-83, P-149	Agnico Eagle Mines Limited (100%)	North Meliadine Permits
P-139 – P-141	Silver Range Resources Ltd. (100%)	Tree River
P-145	Trevor Boyd (100%)	Volks Lake
P-146	Trevor Boyd (100%)	Kaminak Lake
P-148	Bruce MacLachlan (100%)	NE Fault/Payback
P-152, P-158	Apex Geoscience Ltd. (100%)	Mel
P-162	Agnico Eagle Mines Limited (100%)	High Lake
P-165	Agnico Eagle Mines Limited (100%)	Namik
P-168, P-169, P-172, P-173	1233719 BC LTD. (100%) (Zimtu Capital Corp.)	Maguse
P-170	1233719 BC LTD. (100%) (Zimtu Capital Corp.)	Noble Peak
P-171, P-175 – P-186	1233719 BC LTD. (100%) (Zimtu Capital Corp.)	South-Central Kivalliq
P-187	Platinum Group Metals Ltd. (100%)	Rankin

3 Additional Editorial Comments

3.1 Alternative Energy Sources

Under Section 4.4, the Plan states: “Alternative energy sources in Nunavut include water, wind, and solar sources.” This list does not consider emerging technologies of interest (e.g., geothermal, tidal, or hydrokinetic energies).

Recommendation: The Government of Canada suggests that the Commission amend the list of alternative energies under section 4.4 to include emerging technologies of interest.

3.2 Key Migratory Bird Habitat Sites

(1) The Government of Canada would like to correct information provided under Part 3.4 on pages 32-33 of the October 8, 2021 submission regarding the description of Classes for Key Migratory Bird Habitat Sites.

Recommendation: Please apply the following correction to the description of Class 3 Key Migratory Bird Habitat Sites, which can be found in the recommendation box under section 3.4 of the Government of Canada October 8, 2021 submission.

- Add the following wording highlighted in yellow and delete the words crossed out:

“Class 3 sites do not have identified incompatible uses or setbacks but meet criteria for Class 1 sites deemed Highly Risk Intolerant or Class 2 sites ~~and are~~ deemed Moderately Risk Intolerant”. In addition, some Class 3 sites may require higher levels of protection or require setbacks in the future, once the appropriate survey data is collected.

(2) The Government of Canada would like to highlight additional concerns related to section 4 (p.40) of the Government of Canada October 8, 2021 submission (Sections 2.7.2 Polynyas and 2.8.2 North Water Polynya), which may require further clarification regarding the proposed zoning for polynyas.

- Polynyas in the draft NLUP are zoned as VECs except for the North Water Polynya (Savarjuaq/Pikialasorsuaq), zoned as Conditional Use.
- Eastern Lancaster Sound polynya is currently not listed under the draft NLUP but is within the TINMCA Limited Use area. This issue and recommendation to add it, among other KMBHS encompassed by the TINMCA Limited Use area is identified in Section 2.4.2 of the October 8, 2021 submission.
- These polynyas are Class 1 Key Migratory Bird Habitat Sites zoned as Limited Use, meaning other prohibitions and setbacks apply.

Recommendation: The Government of Canada recommends that the following information be added to the “Information on Valued Components” box under the section 2.7.2 of the draft Plan:

“2.7.2-2 The North Water Polynya (Savarjuaq/Pikialasorsuaq) and Eastern Lancaster Sound Polynya are Class 1 Key Migratory Bird Habitat Sites. Both are zoned as Limited Use Areas – prohibitions on activities and setbacks (Table 01: Migratory Bird Setbacks) apply.”

(3) The Government of Canada would like to provide further clarification regarding the exceptions for community resupply vessels travelling through Key Migratory Bird Habitat Sites, which can be found under section 3.2.1.1 of the Government of Canada October 8, 2021 submission.

- While it is agreed that it is critical that community resupply vessels are able to complete their transits to deliver supplies, it should be clear that where and when possible, Migratory Bird Marine Setbacks should be observed within Key Migratory Bird Habitat Sites.

Recommendation: The Government of Canada recommends that the Commission amend footnote 2 (Marine Setbacks exceptions) under Table 01: Migratory Bird Setbacks:

- to be consistent throughout the Plan (see section 3.2.1.1 Government of Canada October 8, 2021 submission for more information), and
- add the caveat that “Marine Setbacks shall be observed by community resupply vessels operating within Key Migratory Bird Habitat Sites except when adhering to them would prevent safe and timely community resupply”.

3.3 Caribou Seasonal Restrictions

(1) In the 2021 DNLUP Limited Use areas are designated for caribou Calving and Post Calving areas throughout the NSA; however, seasonal restrictions within these areas are limited to the caribou herds identified in Table 02 (page 55). For consistency the Government of Canada encourages the Commission to include seasonal restrictions for the rest of the herds with in identified Limited Use designations for Calving and Post Calving.

Recommendation: The Government of Canada encourages the Commission to include seasonal restrictions for all of the caribou herds with identified Limited Use designations for Calving and Post Calving in the NSA.

(2) In the 2021 DNLUP caribou are referred to by category such as “island” caribou. It is not clear which herd(s) this category refers too. While the Options and Recommendations document identifies the categories of caribou and which herds belong to them, it is not clear in the Plan.

Recommendation: The Government of Canada recommends that the categories of caribou and their associated herds referred to in the Options and Recommendations document be included in Section 2.2 of the DNLUP.

Annex A – NRCan Presentation: Nunavut Mineral Project Exploration Spending and Mining Company ESTMA Payments

The following presentation was prepared by the Department of Natural Resources Canada and provides the Commission with information regarding payments made by the larger mining companies operating in Nunavut to governments from 2016 to 2020, pursuant to the *Extractive Sectors Transparency Measures Act* (ESTMA). The presentation also contains information regarding mineral project exploration spending in Nunavut from 1999 to 2020 based on the federal-provincial/territorial Survey of Mineral Exploration, Deposit Appraisal and Mine Complex Development Expenditures, NRCan.

This information is provided to contribute to the conversation regarding balancing economic, environmental and social considerations.



Extractive Sector Transparency Measures Act (ESTMA)

- The reports contain information about payments made by the extractive sector (oil, gas or mineral) companies and their subsidiaries made to governments anywhere in the world.
- The purpose of this Act is to implement Canada's international commitments to participate in the fight against corruption

Company Criteria:

- Listed on a Canadian stock exchange
- Or does business in Canada
- Had at least \$20 million in assets and generated \$40 million in revenue
- And made payments totalling at least \$100,000
- A complete criteria description can be found at NRCan
<https://www.nrcan.gc.ca/our-natural-resources/minerals-mining/extractive-sector-transparency-measures-act/18180>

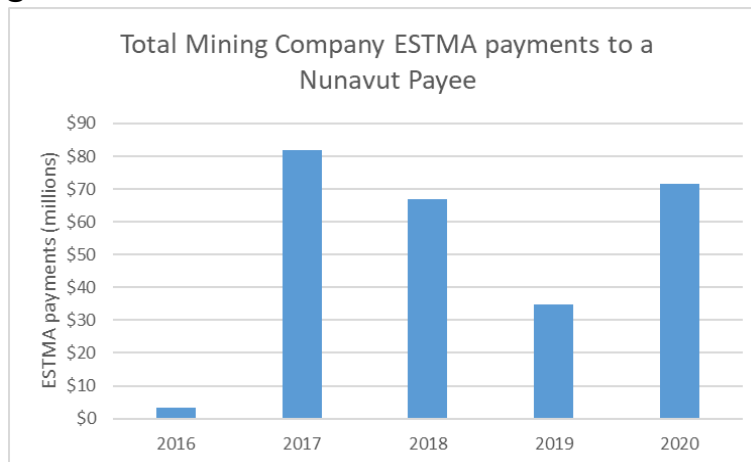


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ESTMA Payments made by Mining Companies operating in Nunavut 2016 to 2020



Source: NRCan,
Company corporate reporting of
Extractive Sector Transparency Act



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ESTMA Payments made by Mining Companies operating in Nunavut 2016 to 2020

Reported Payments to Governments by Mining Companies working in Nunavut 2016 to 2020

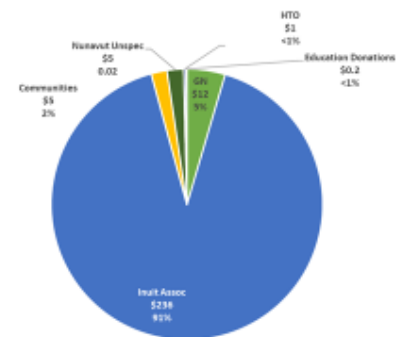
Payee	\$ Canadian
Total Government of Nunavut	\$11,750,000
Total Inuit Associations	\$235,802,761
Total Communities	\$4,874,410
Total Nunavut Unspecified	\$5,092,232
Total Hunter Trapper Organizations	\$790,000
Total Education Donations	\$230,000
Total Nunavut	\$258,539,403
Total Canada*	\$109,045,134
Total	\$367,584,538

Source: NRCAN Company corporate reporting of Extractive Sector Transparency Act.

<https://www.nrcan.gc.ca/sur-natural-resources/minerals-mining/extractive-sector-transparency-measures-act/links-estma-reports/18198>

* Payments to Canada includes projects in other provinces.

Nunavut Recipients of Payments made by Mining Companies Operating in Nunavut 2016 to 2020 (million)
ESTMA Payments (Total \$258.5 million)

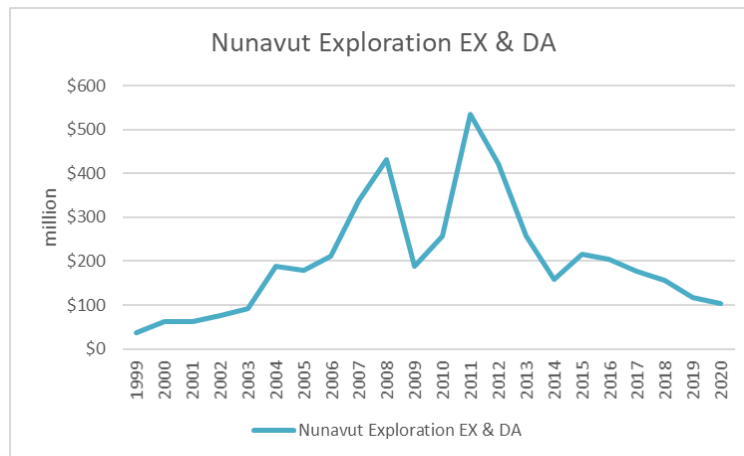


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Mineral Project Exploration Spending in Nunavut, 1999 to 2020 (Exploration, and Deposit Appraisal)



Source: Natural Resources Canada, based on the Survey of Mineral Exploration Deposit Appraisal and Mine Complex Development Expenditures.



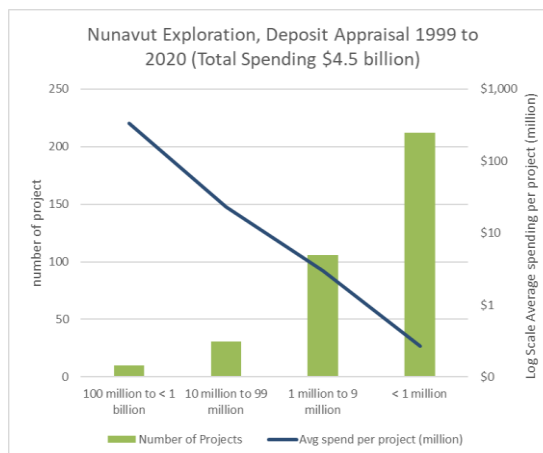
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Mineral Project Exploration Spending in Nunavut, 1999 to 2020

Spending Category	Number of Projects	% of total spending	Avg spend per project (million)
100 million to < 1 billion	10	75.6%	\$338
10 million to 99 million	31	16.1%	\$23
1 million to 9 million	106	7.0%	\$3
< 1 million	212	1.3%	\$0.3
Totals	359	100.0%	\$12



Source: Natural Resources Canada, based on the Survey of Mineral Exploration Deposit Appraisal and Mine Complex Development Expenditures.



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Annex B – Investments Made by Existing Mineral Exploration and Mining Projects in Limited Use Zones

The table below sets out the level of investment on many of the properties that intersect Limited Use zones as drawn from one of three sources: direct statements from the operator; publicly available information derived from company disclosures and financial reports; or from no-longer confidential assessment reports. In many cases these numbers are incomplete or unavailable, and thus understate the actual level of investment. The year to which the value is current is noted. It is important to note that it is inaccurate to multiply the amount invested by the percentage intersection to determine the impact of the proposed prohibitions, because not all portions of a project area have equal value. For these reasons, the percent intersection provided in the table below is not factored into the calculation of total investment.

The percentage intersection with proposed limited use areas within which mineral exploration and mining would be prohibited are calculated based solely on Crown mineral tenure, including grandfathered leases on subsurface Inuit Owned Land, and does not take into account subsurface Inuit Owned Land Mineral Exploration Agreements that proponents may hold with Nunavut Tunngavik Incorporated. Projects with active mines have been separated out in terms of total investment calculated, since the extensive exploration and mine development costs dwarf that of earlier-stage exploration projects.

Table B1: Mineral Exploration Projects Intersection with Limited Use Areas

Project Name	Operator	Investment (\$ million)	Intersection		Period	Appendix A
			%	ha		
1233719 BC Ltd	1233719 BC Ltd	Not available	76.62	210,246	2020-2021	NA
Angilak	ValOre Metals Corp.	\$55.6 ² (2019)	0.21	99	2008-2019	2
Atlas (Marce Claims Exploration)	OMAI Gold Mines Corp. (formerly Anconia)	\$5.2 ¹ (2015)	100.00	6,561	2011-2015	28
Baffin Gold	ValOre Metals Corp.	\$1.5 ² (2019)	0.48	1,683	2017-2019	NA
Beluga	TBG Construction Ltd.	Not available	3.41	188	2020	NA
Chidliak (Chidliak on Baffin Island)	De Beers Group (Peregrine Diamonds Ltd.)	\$59.6 ² (2018)	53.55	22,813	2008-2018	4
Committee Bay	Fury Gold Mines Limited (North Country Gold Corp.)	\$75.4 ² (2020)	0.49	1,446	1999-2021	7
Cone Hill	Agnico Eagle Mines Limited	\$1.28 ³ (2017)	99.98	6,254	2016-2021	8
Contwoyto	Benchmark Metals Inc.	\$1.85 ² (2020)	70.29	5,681	2016-2018	35

Coppermine River	Tundra Copper Corp. (Kaizen Discovery Inc. subsidiary)	\$2.8 ² (2021)	100.00	173,459	2013-2015	9
Coppermine River	Arctic Copper Corp. (Sitka Gold Corp. subsidiary)	\$0.25 ² (2021)	100.00	54,612	2015	10
CSI	North Arrow Minerals Inc.	\$0.09 ² (2021)	47.46	2,155	2021	11
Elu (Hope Bay and Elu Greenstone Belt Mapping Project)	Agnico Eagle Mines Limited (TMAC Resources Inc.)	\$1.31 ³ (2017)	2.88	2,163	2011-2018	19
Ferguson Lake	Canadian North Resources Inc. (Canadian North Resource and Development Corporation / Trevor Boyd)	\$5.1 ³ (2015)	100.00	24,226	1999-2021	13 / 14

Project Name	Operator	Investment (\$ million)	Intersection		Period	Appendix A
			%	ha		
Fox Lake	Agnico Eagle Mines Limited	\$1.35 ³ (2016)	100.00	22,488	2015-2021	38 / 40
Gibson MacQuoid	Fury Gold Mines Limited (North Country Gold Corp.)	Included in Committee Bay total	83.75	284,532	2017-2018	15
Greyhound	Agnico Eagle Mines Limited / Gold79 Mines Ltd.	\$4.13 ³ (2015)	36.48	6,307	2006-2021	16
Hackett River	Glencore plc.	\$145.0 ¹ (2016)	78.13	7,866	2004-2013	17 / 43 / 52
Haig Inlet (Belcher Island Drilling Program)	Hemlo Explorers Inc. (formerly Canadian Orebodies)	\$14.22 ² (2021)	100.00	25,331	2011-2012	3
High Lake Area	Agnico Eagle Limited	Not available	0.47	143	2018-2021	NA
High Lake East (Izok Corridor)	MMG Limited	\$2.42 ³ (2012)	74.67	2,394	2008-2012	23
Hinch Lease	Glen Allen Hinch	Not available	100.00	189	?	NA
Hood (Izok Corridor)	MMG Limited	Not available	100.00	2,134	2008-2014	23
Hope Bay (Hope Bay and Elu Greenstone Belt Mapping Project)	Agnico Eagles Mines Limited (TMAC Resources Inc.)	\$957.0 ² (2019)	50.08	27,110	1993-2021	19
Hope Bay Oro	North Arrow Minerals Inc.	Not available	29.68	1,491	<1995-2021	NA
Itchen Lake	Apex Geoscience Ltd.	Not available	15.91	1,037	?	21
Itchen Lake	West Kitikmeot Gold Corp.	\$0.33 ³ (2015)	7.33	487	2013-2015	22
Kahuna Diamond	Kodiak Copper Corp.	\$9.5 ² (2019)	14.48	11,949	2014 – 2018	24
KAM Claims/Permit	Trevor Boyd	Not available	100.00	15,423	2018-2021	NA
KGP (Kahuna Gold)	Solstice Gold Corp.	\$15.52 ² (2021)	64.03	58,881	2017 – 2020	24
Kiggavik-Sissons	Orano Canada Inc. (Uranengesellschaft Canada Limited)	\$176.5 ¹ (2015)	4.40	812	1974-2015	25
Luxx	North Arrow Minerals Inc.	\$0.36 ² (2021)	94.04	2,438	2013-2014	27
MacLachlan	Bruce MacLachlan	Not available	65.17	10,167	2018-current	NA

Project Name	Operator	Investment (\$ million)	Intersection		Period	Appendix A
			%	ha		
McPherson/Labadie	Alex McPherson/Brian Labadie	Not available	100.00	17,132	?	12
Mary River Project	Baffinland Iron Mines Corporation	\$15.23 ³ (2017)	23.42	62,670	2004-2021	29
Meadowbank Precious Metal Project	Western Atlas Resources Inc. (5530 Nunavut Inc.)	\$4.17 ² (2020)	58.93	7,398	2018-2021	30
Mel	North Arrow Minerals Inc.	\$3.50 ² (2021)	34.36	29,686	2013-2019	31
Meliadine Mine (Meliadine Exploration Project, Meliadine Project)	Agnico Eagle Mines Limited	\$2,198.6 ² (2020)	94.22	108,926	2009-2021	32 / 33
Mountain Lake	Consolidated Uranium Inc. (IsoEnergy Ltd.)	\$0.12 ² (2021)	86.89	5,234	2016-2021	34
Muskox	Benchmark Metals Inc.	Included in total for Contwoyto	52.53	3,345	2016-2018	35
Naujaat	North Arrow Minerals Inc.	\$8.91 ² (2021)	30.29	3,942	2013-2021	51
Nanuq (Chidliak Nanuq in Kivalliq)	De Beers Group (Peregrine Diamonds Ltd.)	\$12.9 ¹ (2016)	72.99	119,638	2006 - 2015	5
Napajut Lake (Hyde)	Exploratus Limited	\$0.87 ³ (2008)	0.53	6	1997-2008	36
Noomut	Silver Range Resources Ltd.	\$0.01 ² (2020)	72.72	1,091	2016	NA
Noomut (New Break)	New Break Resources (William Love)	Not available	12.33	594	2021	37
North Melville	StrategX Elements Corp.	Not available	26.80	271	2021	NA
Nunavut Property (Storm Project)	Aston Bay Holdings Inc.	\$13.78 ² (2021)	24.76	78,057	2013-2021	46 ⁴
Parker Lake	Agnico Eagle Mines Limited	\$1.86 ³ (2016)	100.00	42,027	2008-2021	38 / 39 / 40
Pelly Bay (Amaruk / Churchill Diamond)	Churchill Resources Inc. (Graham Gill / Churchill Diamond Corporation)	\$0.19 ² (2021)	100.00	187,440	2014-2021	1 / 6

Project Name	Operator	Investment (\$ million)	Intersection		Period	Appendix A
			%	ha		
Pistol Bay	Northquest Inc. (NordGold SE subsidiary)	\$19 ¹ (2015)	83.01	70,007	2011-2021	41
Pistol Lake	Leeward Capital Corp.	\$0.25 ² (2020)	100.00	699	1991-2021	42
Platinum Group Metals	Platinum Group Metals Ltd.	Not available	50.83	7,673	2020-2021	NA
Project M	StrategX Elements Corp.	Not available	98.90	8,540	2021	NA
Quartzite	Silver Range Resources Ltd.	\$0.05 ² (2020)	100.00	975	2016	NA
Rhonda Corp. Leases	Rhonda Corporation	Not available	100.00	1,042	1995-2003	NA
Roche Bay	Tao Song	Not available	9.23	183	2021	NA
St. Tropez (part of Kiggavik-Sissons)	Orano Canada Inc.	\$0.81 ³ (2012)	33.26	5,636	2010-2012	25
Stein	Arctic Star Exploration Corp. (Jeff Stuart), JV with GGL Resources	\$0.3 ² (2021)	100.00	26,324	2015-2021	45
Tree River	Silver Range Resources Ltd.	\$0.13 ² (2020)	28.92	11,542	2018-2020	NA
Turner Lake (TTMG)	Bathurst Metals Corp.	\$0.17 ² (2020)	27.46	1,830	2018-2020	47
Victoria Copper	Victoria Copper Inc.	Not available	100.00	2,951	1969-?	NA
Whale Cove Area Exploration	Agnico Eagle Mines Limited	Not available	65.87	48,064	2017-2019	49
White Hills	Agnico Eagle Mines Limited	\$0.78 ³ (2017)	52.79	10,209	2015-2017	50
Yandle	Silver Range Resources Ltd.	\$0.18 ² (2020)	100.00	2,969	2017	NA
Total (Exploration)		\$647.29		1,617,064		
Total (Mines)		\$3,170.83		198,706		

Abbreviation: NA, not applicable, i.e., not listed in *Appendix A*.

¹ Company statement (current to)

² Publically available data, including company website, press releases, financial reports (current to)

³ Publically released assessment reports (current to)

⁴ Significant portions of project are not included in *Appendix A* polygon

The investment tabulated for the affected projects totals \$647 million for exploration stage projects, and an additional \$3.17 billion of exploration and mine complex development spending on mine sites, derived from publically available information. This vastly understates the actual investment; statistical data from Natural Resources Canada's Annual Census of Mines provides an aggregate number for the same projects listed above of \$3.76 billion of exploration and deposit appraisal spending and an

additional \$7.93 billion of mine complex development spending; confidentiality agreements prevent the disaggregated data from being presented here.

Mineral exploration and development projects are high-risk ventures that require significant investments over long periods of time before proceeding to production and realizing a return on that investment. Each year of operation brings significant socio-economic benefits to Nunavummiut in the form of employment, contracting with Nunavut-based businesses, and royalties and taxes paid. The limited use areas within the Plan that prohibit mineral exploration and production risks negating substantial sums already invested in these projects, and eliminating the socio-economic benefits that flow from these projects going forward. They will also create risk that the project operators could lose their investments and potentially deter further mineral exploration investment in Nunavut.