

From: Government of Nunavut	To: Nunavut Planning Commission
Comment Number	1
Subject/Topic	Determining Limited Use Designations
Reference to 2021 DNLUP and O&R documents/maps	O&R, Section 1.5 O&R, Section 2
Reference to Written Submission	GN 2021-1
Importance of question to the Nunavut Land Use Plan Process	<p>The 2016 DNLUP prohibited resource exploration on over 15% of the land, this has increased to 26% in the 2021 DNLUP.</p> <p>It is important to understand how land use designations were determined, that is, what decision-making process the Commission used for each land use designations, specifically Limited Use areas. The GN wishes to understand the rationale for each designation and for the increase in restrictions – especially where recommendations from different organizations and within communities conflict. Additionally, it is important to understand how comments provided considered the socio-economic implications of different land uses.</p> <p>Section 1.5 of the Options and Recommendations document describes the rating system, criteria, and factors considered to inform the rationale for land use designation recommendations. Throughout the O&amp;R the Commission presents various comments and participants’ submissions in their discussion and ultimate determinations on land use designations. It is unclear how the Commission weighted recommendations from within Nunavut and outside of Nunavut (GN 2021-1) or from different intervenors and participants or how older submissions were compared to more recent ones.</p>
Question # 1	<p>The Commission presents rationale for recommending Option 1 Limited Use for several issues to include that these areas were “identified by multiple participants as areas requiring protection”. Can the Commission clarify:</p> <ol style="list-style-type: none"> <li>1. How competing views within the same community were weighted and/or how community consensus (where presented) was determined?</li> <li>2. How competing views among different communities were weighted, particularly if communities are close to Limited Use areas (e.g., discussion on post-calving areas in the O&amp;R, section 2.2.9.6)?</li> </ol>

	<ol style="list-style-type: none"> <li>3. What process was used to analyze community-based comments to determine support or opposition for the resulting land use designations?</li> <li>4. How were socio-economic implications of restrictive land use designations presented, and feedback collected from the community?</li> <li>5. How did the Commission rate participants' submissions and comments, considering their range of priorities and interests, and how were they analyzed when determining land use designations?</li> <li>6. How did the Commission rate participants' comments made on previous versions of the NLUP, and how were they analyzed when determining land use designations?</li> <li>7. What was the threshold for concern or significance that led to a determination for Limited Use designation? How did community feedback and participants' comments meet this threshold?</li> </ol>
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From: Government of Nunavut	To: Nunavut Planning Commission
Comment Number	2
Subject/Topic	Limited Use Designations – Unknown Information
Reference to 2021 DNLUP and O&R documents/maps	O&R, Section 1.5 O&R, Section 2 O&R Section 5
Reference to Written Submission	
Importance of question to the Nunavut Land Use Plan Process	<p>There are a number of topics where the lack of information needs to be better considered.</p> <p>The potential for non-renewable resources was an important factor when the Commission was determining the land use designation (O&amp;R p. 16). Furthermore, resource potential was considered on its own as an item of interest (O&amp;R, p.370; 375). The importance of resource production was determined as High and the potential for non-renewable resources (and infrastructure development) where there was known mineral potential was also High. Yet the alternative to known mineral potential is not low mineral potential but rather unknown potential. Most of the territory remains largely unexplored – as such, the mineral potential throughout most of Nunavut is unknown.</p> <p>Section 1.5.1 of the O&amp;R lists what the Commission considered when making land use decisions – it is not clear how the impact on socio-economic values by restricting economic activities was considered.</p>

	The Commission has identified the importance of development to Nunavut and the considerable uncertainty in its development (DNLUP, p.41). It is unclear how future economic opportunities were considered by the Commission and how they were rated against other priorities when designating Limited Use areas.
Question # 2	<p>Can the Commission clarify:</p> <ol style="list-style-type: none"> <li>1. How was unknown resource potential considered in the determination of land use designations and how it was given value?</li> <li>2. How were current and future socio-economic impacts of land restrictions and land access assessed and incorporated in the Commissions' determination of land use designations, specifically Limited Use areas?</li> <li>3. How were current and future economic opportunities valued and how were they weighed against ecosystemic priorities in the development of land use designations, specifically Limited Use areas?</li> </ol>

From: Government of Nunavut	To: Nunavut Planning Commission
Comment Number	3
Subject/Topic	Existing Rights
Reference to 2021 DNLUP and O&R documents/maps	<p>Nunavut Mining Regulations, 5(1)(f)  Nunavut Mining Regulations, 39, 40, 41, 60, 61  DNLUP, Appendix A  DNLUP, Section 6.1.8, pg. 47  DNLUP, Plan Requirements 6.1.8-4, pg. 48  NuPPAA, Article 2(1)</p>
Reference to Written Submission	[document][section]
Importance of question to the Nunavut Land Use Plan Process	Rights to lands have been granted by legislation other than the NA or NuPPAA, such as the Nunavut Mining Regulations – some of which do not meet the definition of project under NuPPAA. The land use plan needs to be clear on how existing rights for activities and projects included and not included on Appendix A are handled.
Question # 3	<p>Can the NPC clarify:</p> <ol style="list-style-type: none"> <li>1. How Appendix A applies to existing activities that are not considered projects and are otherwise prohibited by a Limited Use designation were considered?</li> </ol>

	<ol style="list-style-type: none"> <li>2. How projects were determined eligible for inclusion in Appendix A?</li> <li>3. How Rights for projects (or activity/work) allowed through existing licences, claims and leases or Significant Discovery Licenses not listed on Appendix A be impacted by Limited Use designations in the DNLUP?</li> <li>4. What the thresholds are for a 'direct connection' (DNLUP pg. 48) to a project and when modifications would be considered a 'new project' and subject to Limited Use prohibitions – and provide examples.</li> <li>5. How the Existing Rights listed in Appendix A will be affected by conditions that will apply in Limited Use Areas such as increased reporting, or any limitations or conditions that may apply to a project in that zone?</li> <li>6. How it assessed the implications to existing rights becoming stranded by surrounding limited use?</li> <li>7. At what time Appendix A will be finalized and no more projects or activities could be added?</li> </ol>
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From: Government of Nunavut	To: Nunavut Planning Commission
Comment Number	4
Subject/Topic	Plan Amendment
Reference to 2021 DNLUP and O&R documents/maps	<p>NPC Internal Procedure, Amendments to Land Use Plans, March 2015  O&amp;R, Section 6.2.1.4.2, pg. 514  DNLUP Section 6.1.5</p>
Reference to Written Submission	GN 2017-14
Importance of question to the Nunavut Land Use Plan Process	<p>Plan amendments are an important process in Nunavut's regulatory regime – it is important that the process and information requirement is clear for proponents. In 2017, the GN recommended plan amendment processes be proactively established for foreseeable types of plan amendments to add clarity and certainty.</p> <p>Guidance on plan amendments is provided in the NA, NuPPAA, NPC's internal procedure, Section 6.2.1.4.2 of the O&amp;R, and Section 6.1.5 of the DNLUP – however direction is vague and leaves lots of discretion to the Commissioners.</p> <p>Additionally, the DNLUP requires proponents of plan amendments to include information on new information and</p>

	priorities not previously considered by the Commission (O&R p. 514).
Question # 4	<p>Can the Commission:</p> <ol style="list-style-type: none"> <li>1. Offer criteria on what is to be included in plan amendment applications, or, more specifically, criteria for certain types of plan amendment applications?</li> <li>2. Describe the criteria that exist to trigger a public review for a plan amendment?</li> <li>3. Clarify how information on resource potential can be gathered where the Limited Use designation prohibits resource exploration?</li> </ol>

From: Government of Nunavut	To: Nunavut Impact Review Board
Comment Number	5
Subject/Topic	Limited Use Designations
Reference to 2021 DNLUP and O&R documents/maps	O&R, Section 2.2.1, pg. 29 O&R, Section 2 DNLUP Sections 2.2.1-2.2.3, 2.2.6
Reference to Written Submission	NIRB 2017 submission, NPC file 16-051
Importance of question to the Nunavut Land Use Plan Process	<p>In the NIRB's 2017 submission they recommend that formalized protection for caribou be included in the land use plan. The rationale was that the regional scope of land use planning is better suited to this issue than the project-by-project basis of impact assessment.</p> <p>The GN has recommended that impact assessment is adequate to address caribou issues when supported by seasonal restrictions in the land use plan.</p>
Question # 5	<p>The NPC has used the NIRB's recommendation for formalized protection of important caribou habitat to support designating caribou calving, post-calving, key-access corridors, and winter ranges as Limited Use.</p> <ol style="list-style-type: none"> <li>1. Can the NIRB comment on how Conditional Use and Limited Use designation in Caribou habitat (plan requirements 2.2.1-2.2.3, 2.2.6) may satisfy NIRB's recommendation for formalized protection?</li> <li><del>3-2.</del> Does the NIRB have thoughts on how the Plan could address future environmental changes caused by climate change, such as changes in migration</li> </ol>

	<p>patterns and potential changes in the location of caribou habitats?</p> <p><u>5.3.</u> Where NIRB has recommended considering cumulative impacts at a regional scale, what is NIRB's position on large-scale Limited Use designations across Nunavut and its impact on socio-economic well-being of those regions?</p>
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