



Government of Canada Written Questions for the Nunavut Planning Commission

Submitted to the Nunavut Planning Commission on October 20, 2021

Icebreaking

1. Section 1.4.2 states “The Plan should be interpreted and applied in a way that respects Canada’s international rights and obligations, including those under the 1982 United Nations Convention on the Law of the Sea, customary international law and any other binding international instrument”. However, there are some plan requirements, such as Plan requirement 2.2.5-1 that may not allow for this interpretation. **When undertaking conformity determinations, how will the Commission apply the provisions of the Plan, including Plan Requirement 2.2.5-1, in a way that respects the Government of Canada’s international rights and obligations, and gives due consideration to foreign policy, as specified in 1.4.2.**
2. Plan requirement 6.1.4-2 indicates that a minor variance is not to be issued for relief from a prohibition. It is not clear within Plan requirement 2.2.5-1 whether a minor variance would be applicable to seasonal restrictions of icebreaking activities. **Could the Commission please clarify whether a minor variance is applicable to seasonal restrictions of icebreaking activities in Plan requirement 2.2.5-1?**
3. The term ‘icebreaking’ is used in the Plan (reference) however it is unclear what the Commission means by icebreaking. For example, does icebreaking refer only to the use of an icebreaker to create a track for safe navigation? Or does this also include navigation in ice that may or may not include support from an icebreaker? **Could the Commission clarify what is meant by the term ‘icebreaking’?**

Mineral Development and Existing Rights

4. **Are mineral exploration and production activities on surface and subsurface Inuit Owned Land excluded from the definition of ‘mineral exploration and production’?**
5. **What was the rationale to exclude projects from Appendix A (e.g. was it to protect caribou habitat, or was it based on the NuPPAA definition of projects, etc.)? Was the intent to limit the footprint of existing mines/advanced exploration projects in order to protect caribou habitat within areas where the two overlap?**
6. **Could the Commission consider expanding list of project included under Appendix A while still protecting caribou habitat?**
7. **Will projects that are in Limited Use zones and listed under Appendix A be allowed to operate as though they were in a mixed use zone (i.e. be exempt from all prohibitions)?**

8. **How will the spatial extent of existing rights be determined?**
9. **As they progress through stages of development, how will the changing nature of activities be handled (e.g. moving from exploration to development)?**
10. **In addition, will existing operations be permitted to expand? If so, how will the expanded footprint be designated under the Plan - as a Limited or Mixed Use zone?** For example, if a project with existing rights and interests needs to build linear infrastructure or a quarry associated with mineral exploration or development *within the project's footprint*, and that use is in turn prohibited under the plan requirements, will that prohibition apply?
11. **How will the Plan impact projects that are not listed in Appendix A?**

Overlapping Land Use Designations

12. **How will the proponents and regulators apply plan requirements that are inconsistent or in conflict where there are overlapping land use designations?** For example, Map A2 shows that sometimes zones 91 Priority Contaminated Sites and 92 Military Facilities and Infrastructure overlap. Plan Requirement 4.6-1 prohibits using sites other than for remediation or monitoring until clean-up is completed and has been reported to the Commission, whereas Plan Requirement 4.7-1 prohibits all uses, except uses by Canada, the Government of Nunavut or municipal governments. Operation of these military facilities would be prohibited where the zoning shows they overlap with contaminated sites.

Caribou Seasonal Restrictions

1. Table 2 of the draft Plan only identifies 8 herds. **Do the seasonal restrictions in Plan Requirements under sections 2.2.1, 2.2.2 and 2.2.3 only apply to the herds listed in Table 2? If this is correct, what is the Commission's rationale for only including seasonal restriction dates for certain herd? What about the other herds and populations within the Nunavut Settlement Area?**
2. **What is meant by "island caribou" under section 2.2.6 of the draft Plan?**
3. **Is there only one site identified in Map A2 as "Site 29 Caribou Winter Ranges – Islands"?**

Caribou Sea Ice Crossings

4. As part of the Proactive Vessel Management Initiative, the Victoria Island Waterway Safety Committee has identified three priorities: 1) increasing communication with the Canadian Coast Guard regarding icebreaking activities; 2) mitigating the potential negative impacts of icebreaking on the migration of the caribou, hunters and community members travelling across the sea ice and local food security; and 3) identifying safe harbours (via mapping) for hunters and community members to access along the waterway. A collaborative Plan Requirement for

caribou sea ice crossings, particularly in the Northwest Passage/Coronation Gulf between Victoria Island and the Mainland, could support these priorities. **How might Government of Canada collaborate with Commission to develop a plan that addresses the need for protection of caribou sea ice crossings, while offering the flexibility to respect the Government of Canada's international rights and obligations?**