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2. **Community Drinking Watersheds:** Retain designations in the current draft with some additions to support community growth and maintenance.
3. **Existing Rights and Interests:** Existing rights and interests are permitted to proceed through the various stages of development according to *NuPPAA* and the *Nunavut Agreement*.
4. **Aerodromes:** Revise Map B2.10 Aerodromes to include the Grise Fiord aerodrome.
5. **Tourism:** Include consideration of tourism activities in Chapter 5 of the Plan.
6. **Cultural Resources:** Include consideration of cultural resources in Chapter 5 of the Plan and designate carving stone quarry locations as Valued Socio-Economic Components.
7. **Marine Shipping and Infrastructure:** Implement restrictions on shipping that do not unduly impact economic development.
8. **Territorial Parks:** Apply designations as outlined in comment. Additional details forthcoming.
9. **Key Bird Habitat:** Avoid unnecessarily impacting undiscovered mineral resources. Additional details forthcoming.

In the October 2021 Written Submission, the GN provided recommendations that would improve the public hearing process. The GN heard from communities and Nunavummiut throughout the consultation process about the importance of wildlife habitat protection and the need for economic development opportunities.

In addition to this submission, the GN is also providing a joint submission that has been prepared in collaboration with the Government of Canada and Nunavut Tunngavik Incorporated, as signatories to the Plan. The joint submission recommends revisions to the DNLUP pertaining to Designated Inuit Organization Goals, Inuit Owned Lands, Existing Inuit Impact and Benefit Agreements (IIBAs), Exploratory Discussions on Arrangements related to Proposed Limited Use Areas, Existing Rights and Interests, and Marine Shipping.

The GN hopes that the NPC will consider these comments and recommendations when finalizing the Plan. Please do not hesitate to contact Daniel Haney, Manager, Land Use & Environmental Assessment at (867) 975-7720 or ghaney@gov.nu.ca with any questions or concerns regarding this submission.

Qujannamiik,



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

cc:

Hannah Uniugsaraq, Nunavut Tunngavik Incorporated

Spencer Dewar, Crown Indigenous Relations and Northern Affairs Canada

Introduction

The Government of Nunavut (GN) is submitting final recommendations to the Nunavut Planning Commission (NPC) on the 2021 Draft Nunavut Land Use Plan (DNLUP). The GN Land Use Planning Working Group was established to review and discuss land use plans that affect Nunavut and provide comments to the relevant planning commission, in this case the 2021 DNLUP and the NPC. The Working Group comprises representatives from the GN Departments of Environment (ENV), Executive & Intergovernmental Affairs (EIA), Economic Development & Transportation (EDT), Health, Community & Government Services (CGS), Culture & Heritage (CH), Justice, and Finance (FIN). The discussions and information shared at the Working Group meetings resulted in the final recommendations presented in this written submission.

In Fall 2022, the GN attended the five NPC regional public hearings in Iqaluktuuttiaq (Cambridge Bay), Kangiqliniq (Rankin Inlet), Thompson (Manitoba), Mittimatalik (Pond Inlet), and Iqaluit. The GN listened to many different perspectives on the 2021 DNLUP from community representatives, Hunters and Trappers' Organizations, Nunavut Tunngavik Incorporated, the Regional Inuit Associations (RIAs), the Government of Canada, industry, and several other stakeholders. The most pressing discussions at the public hearings concerned wildlife management, contaminated sites, impacts of exploration and development, and the effects of climate change. The GN has reflected on the public hearings and taken the information back to relevant departments and decision makers.

The GN recognizes the complexity of the Nunavut Land Use Plan and its importance in providing regulatory certainty and consistency to help address the cumulative impacts of projects within the Nunavut Settlement Area (NSA). The recommended revisions to the DNLUP stated in this submission aim to improve the balance between conservation and responsible economic development, which is a common goal of the Plan and of the GN.

As a signatory to the Plan, the GN looks forward to reviewing the final Nunavut Land Use Plan that balances policy goals and is appropriately scoped, in accordance with the GN's mandate.

Acronyms & Terms

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

ENV – Department of Environment

EDT – Department of Economic Development & Transportation

Health – Department of Health

CGS – Department of Community & Government Services

Justice – Department of Justice

GN – Government of Nunavut

NA – *Nunavut Agreement*

NuPPAA – *Nunavut Planning and Project Assessment Act*

NSA – Nunavut Settlement Area

O&R – Options and Recommendations

GoC – Government of Canada

NTI – Nunavut Tunngavik Incorporated

GN-2023-01: Caribou Habitat	
Department	ENV
Subject/Topic	Caribou Habitat Protections in the NLUP
References	<ul style="list-style-type: none"> 2021 DNLUP, Section 2.2
SUMMARY OF CONCLUSIONS	
<p>Caribou habitat protection is an issue of the utmost importance to Inuit, Nunavummiut, and the GN. The NLUP can provide important protections and direct development to areas where impacts are mitigable.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The GN has made many recommendations and submitted several comments in the past concerning the designation of various caribou habitats. The recommendations below supersede previous recommendations and are to be taken as the GN position on the matter until otherwise amended.</p>	
RECOMMENDED REVISIONS	
<p>The GN supports the protection of caribou habitats and responsible natural resource development. To balance these two goals, the GN recommends the following restrictions be placed on the below listed important caribou habitats. <u>It should be noted that the recommendation for calving grounds and key access corridors below is limited to GN delineations.</u> The GN has sufficient data to support these delineations and is confident in their boundaries, but also recognises the knowledge of other parties. As mentioned in previous submissions, the GN is committed to continuously monitoring and updating these delineations as more information becomes available and will certainly share any updates with the Commission. The GN will continue to work with its co-management and planning partners to identify caribou habitat and other areas for protection as additional information is gathered.</p> <p>The GN can supply the Commission with any data required to enact these recommendations. However, it is understood that the majority of the core calving grounds and key access corridors designated in the Plan originate from GN data already with the Commission, with recent additions from the latest consultations with other planning partners.</p>	

Mainland Migratory Herds Calving and Post-Calving Grounds:

Prohibition of development within calving grounds and key access corridors, with seasonal restrictions on activities in post-calving grounds.

- Seasonal restrictions would apply to exploration and production projects, research, and tourism unrelated to caribou conservation, and any activity with a high likelihood of disturbance to caribou when and where they are present.

Mainland Migratory Herds Rutting Areas

Seasonal restrictions during rutting season (~Oct. 10 to Nov. 10)

- Includes a conformity requirement whereby proponents must demonstrate in their project proposal that consideration has been given to their location within a designated rutting area;
- Includes direction to proponents specifying that seasonal restrictions on development activity apply when and where caribou are present (approximately Oct. 10 – Nov. 10), and further specifying that the restricted activities include but are not limited to: air and vehicle traffic, loud or repetitive noise, and/or vibration disturbances.

Mainland Migratory Herd Migration Corridors

Seasonal restrictions to development activity when and where caribou are present and restrictions on linear infrastructure (i.e., raised pipelines, etc) that would impede migration or prevent caribou from crossing them.

- Includes direction to proponents specifying that seasonal restrictions on development activity apply when and where caribou are present (approximately Oct. 10 – Nov. 10 [Fall Migration], and April 15 – June 1 [Spring migration]);
- Includes a conformity requirement whereby proponents must demonstrate in their project proposal that consideration has been given to their location within a designated migration corridor, and that any linear feature proposed within a designated migration corridor will not impede the movement of caribou;
- Specifies the following restricted activities when and while caribou are present (list not exhaustive): air and vehicle traffic, loud or repetitive noise, and/or vibration disturbances.

Mainland Migratory Herds Sea Ice Crossings

Seasonal restrictions on icebreaking during crossing periods and restrictions on development activity when and where caribou are staging (preparing to cross). Restricted activities include, but are not limited to, air and vehicle traffic, loud or repetitive noise or vibration disturbances.

Mainland Migratory Herds Seasonal Ranges

No restriction on development, but proposed projects should consider impacts on caribou and reduce disturbance as much as possible.

- Includes a conformity requirement whereby proponents proposing to operate within a mainland migratory caribou seasonal range must demonstrate consideration for these areas by recognizing the potential impacts of proposed activities and identify mitigation.

GN-2023-02: DRINKING WATERSHEDS	
Department	Health
Subject/Topic	Community Drinking Watersheds Outside Municipal Boundaries
References	<ul style="list-style-type: none"> • 2021 DNLUP, Section 4.5.2 • January 27, 2023, Letter from Chief Public Health Officer re: Consideration of proposed NLUP designation for community drinking watersheds, Appendix 1
SUMMARY OF CONCLUSIONS	
<p>The Department of Health believes that community drinking watersheds should be protected under the Nunavut Land Use Plan and as such, supports the Limited Use designation in community drinking watersheds outside municipal boundaries.</p>	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>The Department of Health and the Chief Public Health Officer have reviewed the Plan's designation for community drinking watersheds outside municipal boundaries and support prohibitions on development within them because impacts cannot be effectively mitigated in these areas. Water is a resource that must be protected from negative impacts and one that the GN and communities recognize as essential for wellbeing.</p> <p>Several communities identified concerns with their drinking water or watershed during the recent Public Hearings on the 2021 draft Plan and the GN would like to ensure communities that it takes these concerns seriously. In addition to recommending protections be placed on these areas in the Plan, the Department of Community & Government Services (with support from Health and ENV) is working hard to ensure safe and clean drinking water is provided to Nunavut's communities.</p>	
RECOMMENDED REVISIONS	
<p>The GN supports the current Plan designation for community drinking watersheds outside municipal boundaries (i.e., S. 4.5.2 and Plan Requirements 4.5.2-1) and recommends the addition of the following text in bold.</p> <p>4.5.2-1: <i>The community drinking water supply watersheds outside of municipal boundaries shown on Map A, except those for Baker Lake and Kugluktuk, are Limited Use areas within which the following incompatible uses are prohibited:</i> <i>(a) oil and gas exploration and production;</i></p>	

- (b) mineral exploration and production;
- (c) quarries, **except for those permitted under 4.5.2-2;**
- (d) hydro-electrical and related infrastructure; and
- (e) linear infrastructure, **except for that permitted under 4.5.2-2.**

The GN recommends the addition of the following Plan Requirement to support community growth while still providing important protection for community drinking watersheds.

4.5.2-2:

The following uses are permitted within community drinking watersheds outside municipal boundaries shown on Map A, except those for Baker Lake and Kugluktuk:

- (a) necessary quarrying and infrastructure to support community growth and maintenance;***
- (b) necessary linear infrastructure to support access and provision of drinking water to the community.***

The GN will accept alternate language from the above provided exceptions are made for necessary quarrying and linear infrastructure to support community growth and maintenance and the provision of drinking water.

GN-2023-03: EXISTING RIGHTS & INTERESTS

Department	EDT & ENV
Subject/Topic	Treatment of Existing Rights and Interests in the NLUP
References	<ul style="list-style-type: none"> • 2021 DNLUP, Section 6.1.8 • 2021 O&R, Section 6.2.8

SUMMARY OF CONCLUSIONS

The 2021 DNLUP does not align completely with NuPPAA and must be revised to clarify that all existing rights will be permitted to proceed through the various stages of development.

REVIEWER'S COMMENTS AND SUPPORTING RATIONALE

The 2021 DNLUP has tied the rights of existing mineral tenure to whether a project or activity has made it onto Appendix A. The DNLUP criteria for protecting existing mineral tenure should be consistent with the NA and NuPPAA.

Appendix A is limited in its scope, as some projects defined under NuPPAA are in Limited Use areas but are not included in Appendix A. Appendix A also does not include those existing rights that are not located in Limited Use areas. NPC has noted some revisions should be made here.

Appendix A is a snapshot of rights holders and their activities or projects in existence in Nunavut at the time NPC generated the list, and according to criteria that does not follow legislation. It does not adequately reflect the evolution of a project allowed to reasonably develop nor the potential land uses or designation changes that could occur.

The GN remains concerned that a comprehensive list of all existing projects is problematic. To have a list of all projects and activities in Limited Use areas runs the risk of a project not being on the list if it was missed or a changing land designation were to occur. Conversely, a list of all existing rights (including those in Conditional and Mixed Use designations) would be lengthy, unwieldy and difficult to maintain. The administration of this list by NPC may be challenging to upkeep through changing designations and may cause undue delays or inaccuracies.

The value of a parcel or project is related to the ability to access the project/activity and the ability to adequately develop that project. Project stranding may impact the value of that parcel and the ability to reasonably develop, potentially resulting in de facto expropriation. Expropriation may result in an undesired need for compensation.

Existing rights and interests legally acquired are allowed to proceed through the various stages of development, as per *NuPPAA* and subject to the regulatory process and subsequent terms and conditions as significant modifications to the existing right are proposed.

Therefore, to accommodate the need for that right to reasonably develop which includes access to that right, the GN recommends that land uses associated with existing rights be permitted where otherwise prohibited, including ancillary uses and access roads beyond the footprint of that right.

RECOMMENDED REVISIONS

Existing rights should be permitted to proceed through the various stages of development, according to legislation. The 2021 DNLUP should be revised to be compliant with NuPPAA and to clarify that all existing rights will be respected. Specific recommendations are identified below.

1. Revise the approach to listing existing rights in the Plan (Appendix A) to ensure that:
 - a. all existing rights are protected (not just the 52 listed in the 2021 DNLUP), and
 - b. future changes in land use designations (through Plan amendments) accommodate existing rights (including those located in areas not presently designated Limited Use areas)
2. Add a policy mechanism to the Plan allowing for existing rights holders to gain recognition of existing rights status (exemption from the prohibitions of the Limited Use designation). This application process should include:

- a. a review of required documentary evidence (permits, licenses, etc. issued by NTI or the GoC prior to Plan approval or amendment) by the NPC
3. Allow land uses ancillary to existing rights to be considered for approval, with conditions, even when they are:
 - a. outside the footprint of the existing right
 - b. an access road
 - c. otherwise prohibited by the land use designation.
4. Add a policy mechanism ending the exceptional status for existing rights (namely exemptions from the restrictions of the Limited Use designation) when the existing right expires, or the associated land use is discontinued.

GN-2023-04: AERODROMES

Department	EDT
Subject/Topic	Missing Transportation Components – Aerodromes
References	<ul style="list-style-type: none"> • 2021 DNLUP, Section 4.8

SUMMARY OF CONCLUSIONS

The aerodrome at Grise Fiord is missing from Map B2.10 of the Plan.

REVIEWER'S COMMENTS AND SUPPORTING RATIONALE

The DNLUP, Section 4.8, states that

“All Nunavut communities are dependent on airlift and sealift for all their transportation needs. Aerodromes are essential to communities, and there are federal regulations in place to manage land use in those areas.”

Furthermore, Map B2.10 Aerodromes, identifies aerodromes across Nunavut and designates them as Valued Socio-Economic Components (VSEC). The GN notes that Grise Fiord is missing from this list and should be added.

RECOMMENDED REVISIONS

The GN recommends that the aerodrome at Grise Fiord (YGZ) be included in Map B2.10 as an identified aerodrome and thus be designated a VSEC.

GN-2023-05: TOURISM	
Department	EDT
Subject/Topic	Tourism Considerations in the Plan
References	<ul style="list-style-type: none"> • 2021 DNLUP, Chapter 5 • Community delegate presentations, Pond Inlet Hearing, October 24-27, 2022 • Nunavut Tourism Act • Nunavut Marine Tourism Regulations
SUMMARY OF CONCLUSIONS	
Consideration of tourism is absent from Chapter 5 of the 2021 DNLUP.	
REVIEWER'S COMMENTS AND SUPPORTING RATIONALE	
<p>As we heard at the 2022 Hearings, particularly in Mittimatalik (Pond Inlet), there are concerns regarding cruise ships and small crafts.</p> <p>Cruise ship activities are required to conform to an applicable land use plan and any new operators or extensive changes to existing routes are required to be screened by the Nunavut Impact Review Board. There is no attention to this in the 2021 DNLUP.</p> <p>It is unclear how the NPC would determine conformity in relation to cruise ship activities and whether there would be any prohibitions, conditions or Plan Requirements associated with that activity.</p>	
RECOMMENDATIONS	
<p>The GN recommends reasonable attention be given to the concerns raised about tourism activities without unduly impacting the Nunavut tourism economy and potential benefits arising from tourism.</p> <p>The GN recommends including Tourism in Chapter 5: Encouraging Sustainable Economic Development. The Plan must remain consistent with the Nunavut Tourism Act and the Nunavut Marine Tourism Regulations.</p>	

GN-2023-06: CULTURAL RESOURCES	
Department	EDT
Subject/Topic	Cultural Resources – Carving stone deposit locations
References	<ul style="list-style-type: none"> • 2021 DNLUP, Chapter 5 • Department of EDT, Government of Nunavut, Arts and Culture division: https://gov.nu.ca/edt/information/overviewcontact-information-arts-culture • <i>Nunavut Agreement</i>, Article 19
SUMMARY OF CONCLUSIONS	
Cultural resources are absent from Chapter 5 of the 2021 DNLUP.	
REVIEWER’S COMMENTS AND SUPPORTING RATIONALE	
<p>Cultural resources, such as carving stone, are an important part of the culture and economy of Inuit and Nunavummiut. Visual arts alone contribute \$33 million annually to the territory’s economy and it is estimated that 3 000 Nunavummiut earn at least partial income from the sale of art.</p> <p>Article 19, Part 9 of the <i>Nunavut Agreement</i> protects Inuit rights to carving stone, both for larger scale quarrying and small-scale removal by an individual Inuk. The NLUP must be consistent with the NA and allow access to carving stone sites.</p> <p>The GN implemented the Nunavut Carving Stone Deposit Evaluation Program between 2010 and 2014, documenting information about known quarries and gathering sites, and evaluating the potential for new deposits. These known locations of carving stone quarries are included in Appendix 2 to the GN submission.</p>	
RECOMMENDATIONS	
<p>The GN recommends these carving stone deposits be included in Chapter 5 of the NLUP and be designated as Valued Socio-Economic Components (VSEC).</p> <p>In areas of overlapping designations, and where consistent with the <i>Nunavut Agreement</i>, carving stone quarries should be accessible and exempted from any prohibitions that would impact their use.</p>	

GN-2023-07: MARINE SHIPPING AND INFRASTRUCTURE	
Department	EDT
Subject/Topic	Marine Shipping and Infrastructure – Nunavut Ports
References	<ul style="list-style-type: none"> • 2021 DNLUP, Section 5.3.2 • <i>Ingirrasiliqta</i>, Nunavut Transportation Strategy, Government of Nunavut • <i>Marine Shipping Guiding Principles</i>, Joint Submission from Government of Canada, Nunavut Tunngavik Incorporated, and Government of Nunavut
SUMMARY OF CONCLUSIONS	
<p>The ongoing development of marine infrastructure in Nunavut – together with economic development and climate change – mean that the application of seasonal restrictions and other measures associated with Limited Use and Conditional Use areas must be clearly communicated and no more restrictive than necessary to achieve their objectives.</p>	
REVIEWER’S COMMENTS AND SUPPORTING RATIONALE	
<p>Shipping is an essential transportation link to southern Canada and the goods supplied to Nunavut communities. The 2021 DNLUP identifies the importance of shipping, including ports and other infrastructure (Section 5.3.2). Additionally, some designations impose certain seasonal restrictions and setbacks to marine shipping unless specifically exempted.</p> <p>Iqaluit’s port is complete; Qikiqtarjuaq’s is funded and will be constructed in the coming years. At least one port in each of the Kivalliq and Kitikmeot regions are foreseeable in the medium to long-term. These will be built or owned by Government (or potentially by Inuit in some cases) and will serve economic needs in their respective communities and regions.</p> <p>Normal community re-supply will not necessarily be the sole or dominant use for these ports (e.g., Qikiqtarjuaq is primarily intended to serve the offshore fishery). There is likely to be increased shipping to/from the ports compared to the status quo, but this increase would be finite (associated with the trajectory of economic development, rather than mineral resource project lifecycles) and vessels would largely follow predictable routes and schedules.</p> <p>Operations out of these facilities that support community needs and economic development goals may require icebreaking in the shoulder seasons in some cases and should not be</p>	

restricted outright. Rather, predictable and reasonable use of ports should be exempted from these blanket prohibitions.

RECOMMENDATIONS

The GN recommends that seasonal restrictions and setbacks that affect marine shipping to and from Nunavut's ports be designed and implemented in a manner that does not unduly impede economic development activities for which these ports were intended.

The GN is in support of the Guiding Principles for NLUP Marine Shipping developed in collaboration with the Government of Canada, Nunavut Tunngavik Incorporated, and the Regional Inuit Associations submitted as part of the signatory parties' joint submission.

GN-2023-08: TERRITORIAL PARKS

Department	ENV
Subject/Topic	Territorial Parks – Awaiting Full Establishment Territorial Parks – Proposed Territorial Parks – Future
References	<ul style="list-style-type: none">2021 DNLUP, Section 3.1.1

RECOMMENDATIONS

Territorial Parks – Awaiting Full Establishment:

Designation which would allow tourism, research, and recreation, with all other uses considered through Plan amendment.

Territorial Parks – Proposed:

Designation which would allow tourism, research and recreation. Proponents must be made aware that a park is under consideration for the area, and respect the obligations and processes outlined in the Territorial Parks IIBA.

Territorial Parks – Future:

No restriction on proposed development, but proponents must take into account that the area is under consideration as a Territorial Park and must consult with GN Department of Environment on project proposals.

Unfortunately, due to the limited time available since the February 2, 2023 policy change, the GN is requesting an extension to the submission deadline for this comment in order to provide additional clarity.

GN-2023-09: KEY MIGRATORY BIRD HABITAT

Department	ENV
Subject/Topic	Canadian Wildlife Service – Key Migratory Bird Habitat
References	<ul style="list-style-type: none">• 2021 DNLUP, Section 2.1

RECOMMENDATION

Avoid unnecessarily impacting undiscovered mineral resources must be considered when designating these areas.

Unfortunately, due to the limited time available since the February 2, 2023 policy change, the GN is requesting an extension to the submission deadline for this comment in order to provide additional clarity.

Department of Health
P.O. Box 1000 Station 200
Iqaluit, Nunavut. X0A 0H0

January 27, 2023

Land Use Planning Working Group
Government of Nunavut

RE: Consideration of proposed NLUP designation for community drinking watersheds

The Department of Health believes that drinking watersheds must be protected because impacts cannot be effectively mitigated in these areas (i.e., when impacts occur, they are difficult to contain and manage).

I agree with the following Nunavut Land Use Plan designation for community drinking watersheds outside municipal boundaries in the current draft Plan (i.e., S. 4.5.2 and Plan Requirement 4.5.2-1) and support the suggested additions below (in **bold**).

4.5.2-1:

The community drinking water supply watersheds outside of municipal boundaries shown on Map A, except those for Baker Lake and Kugluktuk, are Limited Use areas within which the following incompatible uses are prohibited:

- (a) oil and gas exploration and production;
- (b) mineral exploration and production;
- (c) quarries, **except for those permitted under 4.5.2-2;**
- (d) hydro-electrical and related infrastructure; and
- (e) linear infrastructure, **except for that permitted under 4.5.2-2.**

The GN recommends the addition of the following Plan Requirement in order to support community growth while still providing important protection for community drinking watersheds.

4.5.2-2:

The following uses are permitted within community drinking watersheds outside municipal boundaries shown on Map A, except those for Baker Lake and Kugluktuk:

- (a) *necessary quarrying and infrastructure to support community growth and maintenance;*
(b) *necessary linear infrastructure to support access and provision of drinking water to the community.*

Sincerely,

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Dr. Sean Wachtel FRCPC, MPH, DTM&H
Chief Public Health Officer, Nunavut