



QIKIQTANI INUIT ASSOCIATION

REVIEW & COMMENTS ON THE 2021 DRAFT NUNAVUT LAND USE
PLAN

Prepared by: Qikiqtani Inuit Association

Submitted to: Nunavut Planning Commission

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Approved by: Jeremiah Groves, Executive Director

Signature:

TABLE OF CONTENTS

Table of Contents.....	2
1. Introduction	3
1.1 Submission Approach & Inventory	3
1.2 Summary of Outstanding QIA Concerns & Recommendations.....	3
2. Summary of QIA's Collaboration & Engagement	4
2.1 QIA's Consultation and Engagement with Qikiqtani Inuit	4
2.2 Collaboration with Other Interested Parties	5
3. Outstanding Concerns & Recommendations.....	5
3.1 Inuit Owned Lands.....	5
3.2 Inuit Impact & Benefit Agreements.....	11
3.2.1 Existing IIBAs	11
3.2.2 Future IIBAs.....	12
3.3 Existing Mineral and Oil & Gas Rights	16
3.4 Caribou	16
3.5 Marine Species & Important Areas	16
3.5.1 Polar Bear Denning Areas.....	18
3.5.2 Walrus Habitat (Terrestrial Haul-outs).....	19
3.5.3 Whale Calving Areas	19
3.5.4 Polynyas	20
3.5.5 Commercial Fisheries.....	20
3.6 Community Areas of Interest or Wildlife Harvesting Areas	20
3.7 Tallurutiup Imanga.....	20
3.8 Marine Shipping & Ice-Breaking.....	24
3.9 Conclusion	24
References.....	26

1. INTRODUCTION

1.1 SUBMISSION APPROACH & INVENTORY

The following report represents the Qikiqtani Inuit Association's (QIA) individual written submission to the Nunavut Planning Commission (NPC) regarding the 2021 version of the Draft Nunavut Land Use Plan (2021 DNLUP). This report was prepared by QIA staff with support from Firelight Research Inc and Higdon Wildlife Consulting. This submission should be considered in addition to QIA's previous submissions to the NPC, including the latest report dated June 24, 2022. Recommendations from the previous submissions continue to apply (e.g., conducting a quality assurance/control review of spatial datasets), however in many cases these have evolved based on outcomes of the regional public hearings and ongoing discussions with the NPC and other parties with interests in the Nunavut Land Use Plan. In these cases, the recommendations detailed in this report should be considered final and most up to date.

This submission report should also be considered in addition to submissions provided jointly by Nunavut Tunngavik Incorporated (NTI) and the three Regional Inuit Associations (RIAs), which includes QIA. These joint submissions include contents that represent the shared concerns of NTI and the three RIAs, including but not limited to topics such as Inuit Owned Lands (IOLs) and Inuit Impact & Benefit Agreements (IIBAs).

In addition, QIA has collaborated with the Government of Canada (GOC), Government of Nunavut (GN), Qikiqtaaluk Wildlife Board (QWB), and the Hunters and Trappers Organizations (HTOs) of the Qikiqtaaluk region, resulting in the following additional joint submissions:

- A joint submission with GOC, GN, and NTI regarding issues of common concern
- A joint QIA-QWB submission package on caribou habitat and harvesting areas protection
- A joint QIA-QWB submission regarding wildlife harvesting areas (general)

In total, QIA is signatory to five submissions (one individual, four joint) in February 2023. This report outlines comments and recommendations related to each of QIA's key areas of outstanding concern, focusing largely on areas where QIA has a unique perspective (relative to collaborators) or additional context to provide in support of NPC's decision-making process. Where QIA's perspectives on the topics below align with those of its collaborators (GOC, GN, NTI) reference has been made to other joint submissions.

1.2 SUMMARY OF OUTSTANDING QIA CONCERNS & RECOMMENDATIONS

QIA has outstanding concerns, comments, and/or recommendations related to the following key topics applicable to the 2021 DNLUP:

- Inuit Owned Lands
- Inuit Impact & Benefit Agreements (Existing and Future)
- Caribou Habitat & Harvesting Areas Protection
- Marine Species Habitat Protection & Important Marine Areas
- Community Areas of Interest or Wildlife Harvesting Areas

- The Proposed Marine National Conservation Area Tallurutiup Imanga
- Marine Shipping & Ice-Breaking

QIA's outstanding concerns, comments, and/or recommendations related to these key topics are described in Section 3 below.

2. SUMMARY OF QIA'S COLLABORATION & ENGAGEMENT

2.1 QIA'S CONSULTATION AND ENGAGEMENT WITH QIKIQTANI INUIT

The concerns expressed in this submission represent QIA's best efforts to convey and propose workable solutions to the concerns of Inuit in the Qikiqtani region, including: those arising from years of consultation and engagement on various projects or initiatives, databases of Inuit Qaujimajatuqangit (IQ) and perspectives shared with QIA, recent collaborative efforts (e.g., caribou mapping with HTOs), and the major concerns raised by representatives from the hamlets and HTOs during the Pond Inlet and Iqaluit regional public hearings for the 2021 DNLUP.

As outlined in Sub-section 11.21 (b) of the *Nunavut Agreement*, "the primary purpose of land use planning in the Nunavut Settlement Area shall be to protect and promote the existing and future well-being of those persons ordinarily resident and communities of the Nunavut Settlement Area taking into account the interests of all Canadian; *special attention shall be devoted to protecting and promoting the existing and future well-being of Inuit and Inuit Owned Lands*". QIA encourages the NPC to keep the primacy of Inuit concerns and recommendations in mind when making final decisions for the Nunavut Land Use Plan.

QIA's comments have been informed by community engagement with Qikiqtani region communities, which has occurred through discussions with our QIA Board, wherein each community has a board member and by interacting with each of the community Hunters and Trappers organizations through interactive sessions with the Qikiqtaaluk Wildlife Board. In addition, our 2022 submissions were based on our IQ database for Inuit Culture, Resources and Land Use in the Qikiqtani region. Within our IQ database there are 14 different sources of information gathered from engagement and interviews in Qikiqtani communities. While there is more to do at the community level, QIA is committed to engaging all 13 communities over the next 2 years on conservation in the region, that may result in future submissions to the Nunavut Planning Commission and potential changes to the land use plan at a later date.

Overwhelmingly, we have heard from Inuit that the 2021 DNLUP does not adequately protect caribou in the Qikiqtani region. To address this gap, we held two joint workshops with the QWB which met with HTOs and key caribou knowledge holders in advance of the Pond Inlet and Iqaluit public hearings in October 2022 and again after the public hearings in December of 2022. More detailed information on engagement in this process can be found in the QIA-QWB joint submission package on caribou habitat protection.

QIA staff and leadership attended the Pond Inlet (October 24-27, 2022) and Iqaluit (November 14-19, 2022) regional public hearings in Fall 2022 to further listen and understand the concerns of Inuit in the region on the 2021 DNLUP. During these hearings main concerns we heard from Inuit were centered on:

- insufficient protections for caribou habitat
- insufficient protection for important harvesting areas and the need to safeguard food security based on traditional Inuit systems and diets
- negative impacts of aircrafts on wildlife and harvesting activities
- negative impacts of marine shipping and ice-breaking on marine wildlife and Inuit safety during travel and harvesting
- the need for meaningful inclusion of IQ within the plan
- the need for Inuit to maintain authority and benefits over lands that were negotiated through the Nunavut Land Claim Agreement process

This submission report represents QIA's best efforts to convey and propose workable solutions to these concerns, and urges NPC to ensure that these are reflected in the final version of the Nunavut Land Use Plan (final NLUP).

2.2 COLLABORATION WITH OTHER INTERESTED PARTIES

In addition to conveying the priority concerns of Inuit in the Qikiqtani region, QIA has made best efforts to develop workable solutions that consider priorities of other interested parties. QIA has actively engaged in discussions with NTI and the other RIAs, endeavouring to develop joint solutions to facilitate NPC decision-making. In addition, QIA has actively engaged in discussions with the GOC, GN, NTI and the other RIAs in attempt to build consensus on key issues including but not limited to IIBAs, existing rights, and marine shipping. Due to the differing mandates and priorities of all involved, it has not been possible to reach consensus on all outstanding issues, but it is our hope that the progress made in these discussions will help guide the NPC in the final stages of developing an effective NLUP.

3. OUTSTANDING CONCERNS & RECOMMENDATIONS

3.1 INUIT OWNED LANDS

As previously stated in QIA's June 24, 2022 submission to the NPC, QIA continues to be concerned about the impact of land use planning designations on IOLs, including the right of decision-making and management over IOLs pursuant to Article 17 and Section 19.3.1 of the *Nunavut Agreement*. The NPC's rationale to treat all lands in Nunavut as equivalent regardless of ownership (e.g., Crown land or IOL) overshadows the intent and direction of the *Nunavut Agreement* as a land claims agreement meant to ensure Inuit rights and title to lands. NTI and the RIAs, including QIA, only hold title to a small percentage of lands in Nunavut relative to the GN, which results in a remarkable difference in the impact that restrictive land use designations may have upon Inuit relative to the Crown. However, QIA acknowledges that Section 11.8.2 of the *Nunavut Agreement* states that the land use planning process shall apply to IOLs and that all land use plans should take into account Inuit goals and objectives for IOLs. To help reconcile

these competing requirements and lay a mutually agreeable path forward for land use planning in Nunavut, QIA recommends that the NPC implement a distinct and regionally-specific land use planning approach to IOLs in the final Nunavut Land Use Plan.

Please refer to the joint NTI and RIAs submission, section on Inuit Owned Lands and Inuit Rights for more detailed information on this proposed path forward.

As outlined in the joint NTI-RIA submission, NTI and the RIAs agree that taking into account Inuit goals and objectives for their lands, regional preferences, and the need for access to IOLs, that IOLs subject to approval from the RIAs may be placed in Mixed Use, Conditional Use, or Limited Use designations. QIA, specifically, is willing to accept a variety of land use designation categories on IOL. Where Mixed Use designations (which are characterized by no prohibited uses) apply on IOL, QIA is content to continue making land use decisions according to the established processes such as the Community Lands and Resources Committees (CLARCs) and the Nunavut Impact Review Board (NIRB). Where Conditional Use designations apply on IOL, QIA is content to accept seasonal prohibitions on certain land uses or setback requirements around important features, in recognition that these were established to protect values of importance to Inuit (e.g., polar bears and their denning sites) while still allowing Inuit to make decisions on what land use activities may proceed in a responsible manner. However, where Limited Use designations (which are characterized by year-round prohibition of one or more types of land use) apply on IOL, QIA is recommending a distinct approach to designating surface IOLs in the Qikiqtani region.

Article 11.8.2 of the *Nunavut Agreement* states that the Nunavut Land Use Plan must take into account Inuit goals and objectives for Inuit Owned Lands. However, as stated during the Pond Inlet and Iqaluit regional public hearings for the 2021 DNLUP, Inuit goals and objectives for IOL in the Qikiqtaaluk region are not considered set in stone. While IOL parcels selected through the Nunavut land claim negotiations process were often selected with certain future uses in mind, QIA continues to engage with communities on how these have and may continue to change over time. Recent engagements with communities were in progress, but unfortunately interrupted due to the COVID-19 pandemic. As a result, QIA cannot provide the Commission with parcel-by-parcel recommendations on what land use designations are most appropriate. Due to this, as well as the matter of principle, it is critically important that QIA retains some level of flexibility and authority to make decisions about appropriate land uses on Inuit Owned Lands.

Despite concerns related to authority over IOLs, QIA is supportive of the NPC's efforts to protect wildlife habitats and lands of importance to Inuit for the exercise of harvesting rights. Inuit representatives from the hamlets and HTOs who presented at the Pond Inlet and Iqaluit regional public hearings were clear in their message that the final NLUP needs to be sufficiently protective of lands and Inuit reliance upon them. With this in mind, QIA proposes to establish Indigenous Protected and Conserved Areas (IPCAs) over surface IOLs within Limited Use areas applied for land conservation purposes. QIA is optimistic that this approach can simultaneously achieve the conservation objectives of Inuit (and other 2021 DNLUP process participants with similar interests), preserve Inuit self-determination, and respect the authority of the NPC and its decades of effort to create an effective NLUP.

Please refer to the joint NTI and RIAs submission section on Distinct Approach to IOLs within Limited Use areas in the Qikiqtani region for more detailed information on this approach.

Importantly, QIA would commit to establishing rules and regulations for IPCAs over IOLs in a way that is consistent with those on adjacent Limited Use areas on Crown lands, to honour the integrity and intent of the collaborative Nunavut Land Use Planning process. However, QIA would expect to maintain the option to consider applications for otherwise prohibited activities, though this would only be done on an exceptional basis and with respect for the IPCA establishment provisions. To account for this strong commitment to close IOLs for conservation, an IIBA must be concluded between QIA and GOC prior to the finalization of the Nunavut Land Use Plan to ensure that Inuit will receive appropriate benefits as a trade-off for closing their lands for conservation purposes.

As stated above, QIA only expects this distinct approach to apply to Limited Use areas established for conservation purposes; this would not apply to Limited Use areas established for other purposes, such as the protection of critical community infrastructure. In addition to these existing Limited Use zones, QIA will be recommending new areas for the NPC to consider as Limited Use zones. These areas, including QIA's recommendation for how overlapping surface IOLs in the Qikiqtaaluk region should be designated is described below in Table 1.

Table 1: Limited Use designation categories (existing in the 2021 DNLUP and new areas proposed by QIA through this submission and other joint submissions) and QIA recommendation on designation for overlapping surface IOLs.

Limited Use Designation Category¹	Existing (in 2021 DNLUP) or Proposed New Addition²	QIA Recommendation for Overlapping Surface IOLs
Key Migratory Bird Habitat Sites (Class 1)	Existing	All surface IOLs in the Qikiqtaaluk region overlapping this designation should be designated QIA IPCAs.
Walrus Terrestrial Haul-Outs	Existing	All surface IOLs in the Qikiqtaaluk region overlapping this designation should be designated QIA IPCAs.
Caribou Habitat Areas (Calving, Post-Calving, Winter, Movement habitats, except Sea Ice Crossings)	Some Existing; Many Proposed New Additions (See joint QIA-QWB caribou habitat submission)	All surface IOLs in the Qikiqtaaluk region overlapping these designations should be designated QIA IPCAs.
Community Areas of Interest (Sanirajak and Nettilling Lake)	Existing; Minor proposed new additions to Sanirajak (See joint QIA-QWB wildlife harvesting submission)	All surface IOLs in the Qikiqtaaluk region overlapping this designation should be designated QIA IPCAs. According to the Options & Recommendations document, these areas have been established on the basis of their wildlife habitat and Inuit harvesting values. From QIA's perspective, this qualifies as sustainable natural resource use and conservation.

¹ QIA conducted a geospatial analysis to identify areas of overlap between Limited Use areas (those already accepted into the 2021 DNLUP) and IOLs. The results of this analysis showed that some predominantly or exclusively marine designations (e.g., whale calving areas) overlapped IOL. Upon further inspection, we have assumed that these overlaps were triggered by mapping errors (e.g., differences in polygon delineation methodology such as base maps or map projections used) since there are no marine-based IOLs. As a result, we have not included whale calving areas in this table and it is assumed that there is no "actual" overlap between these Limited Use areas and IOLs.

² Note that QIA has not conducted a geospatial analysis to confirm whether proposed new areas for addition to the final NLUP indeed overlap surface IOLs. For the purposes of providing clear guidance to NPC on how to designate IOLs if there is overlap, we have conservatively assumed that these new areas or categories could overlap surface IOLs.

Cumberland Sound Turbot Management Area ³	Existing	<p>All surface IOLs in the Qikiqtaaluk region overlapping this designation should be designated QIA IPCAs.</p> <p>According to the Options & Recommendations document, these areas have been established for the purposes of their ecological importance and/or their importance to communities for subsistence fisheries. From QIA's perspective, this qualifies as sustainable natural resource use and conservation.</p>
Conservation Areas and Future Parks (except the Proposed Marine National Conservation Area Tallurutiup Imanga)	Existing	<p>Please refer to the joint GOC-GN-NTI submission recommendation regarding Existing IIBAs</p> <p>QIA does not expect to establish IPCAs on surface IOLs that overlap these categories, as alternative designations in the joint submission are more appropriate.</p>
Community Areas of Interest or Wildlife Harvesting Areas	Many Proposed New Additions (see joint QIA-QWB wildlife harvesting submission)	<p>All surface IOLs in the Qikiqtaaluk region overlapping this designation should be designated QIA IPCA.</p> <p>These areas are requested to be established with the primary purpose of protecting locally important wildlife habitat and lands for the exercise of Inuit harvesting rights. From QIA's perspective, this qualifies as sustainable natural resource use and conservation.</p>
Priority Contaminated Sites	Existing	<p>QIA is willing to accept Limited Use designations on these IOLs, on the basis that they do not meet general criteria for IPCA establishment, nor do they present feasible opportunities for pursuing the prohibited land uses.</p>

³ We note that it is unclear whether the Cumberland Sound Turbot Management Area intentionally overlaps IOL. The shapefile for this area is largely marine but overlaps some terrestrial areas, namely islands that are within IOL boundaries. We have conservatively assumed that there is that there is "actual" overlap between these Limited Use areas and IOLs and therefore included them in this table.

		<p>However, QIA may wish to re-designate these IOLs as IPCAs in future iterations of the NLUP (through the 10-year review process) as remediation efforts progress.</p>
Mary River Milne Inlet Infrastructure	Existing	<p>QIA is willing to accept Limited Use designations on these IOLs, on the basis that they do not meet general criteria for IPCA establishment, nor do they present feasible opportunities for pursuing the prohibited land uses.</p> <p>However, QIA may wish to re-designate these IOLs as IPCAs in future iterations of the NLUP (through the 10-year review process) as the Mary River Project and other infrastructural needs in the region evolve.</p>
Community Water Sources	Existing	<p>QIA is willing to accept Limited Use designations on these IOLs, on the basis that they do not meet general criteria for IPCA establishment, nor do they present feasible opportunities for pursuing the prohibited land uses.</p> <p>However, QIA may wish to re-designate these IOLs as IPCAs in future iterations of the NLUP (through the 10-year review process) as community water supply options and infrastructure evolves.</p>

QIA recognizes that the NPC may make final changes to the 2021 DNLUP in response to this latest round of public input. If there are any changes or additions to Limited Use areas that trigger a new overlap with QIA's surface IOLs, QIA will be required to provide further input to the NPC on whether these should be established as QIA IPCAs or if an alternative approach is required.

Finally, QIA acknowledges that this proposed approach may be novel to the NPC and therefore require additional thought and consideration. Since the conclusion of the regional public hearings, QIA has been an active participant in meetings and workshops with the three NLUP signatories with the goal of identifying mutually agreeable solutions for communication to NPC. In particular, there was consideration of the option of allowing for prohibitions to apply conditionally within Limited Use designations to allow QIA on an exceptional basis to approve an application for a use that is normally prohibited on IOLs. Due to concerns that this type of exception could constitute a sub-delegation of the NPC's authority under the *Nunavut Planning and Project Assessment Act* (NuPPAA), this option is not being recommended. As a result, it is QIA's perspective that the establishment of IPCAs on IOLs has the highest likelihood of being agreeable to all signatories and the NPC.

3.2 INUIT IMPACT & BENEFIT AGREEMENTS

3.2.1 Existing IIBAs

As previously stated in QIA's June 24, 2022 submission to the NPC, QIA does not agree with the application of land use designations that may contradict or interfere with the terms of existing Inuit Impact and Benefit Agreements with the Government of Canada or Government of Nunavut. For more detailed information on potential contradictions or interferences, please refer back to QIA's June 24, 2022 submission.

This broad concern is shared amongst all parties that are signatory to and/or currently negotiating IIBAs including the Government of Canada, Government of Nunavut, Nunavut Tunngavik Incorporated and the other Regional Inuit Associations. In response to this concern and in an effort to resolve it in a way that respects the Nunavut Land Use Planning process, QIA has participated in discussions with the GOC, GN, NTI, and other RIAs and reached consensus on how land use designations can be revised to ensure that the Nunavut Land Use Plan does not preclude the signatories from effectively implementing the terms of existing IIBAs.

Please refer to the joint GOC, GN, and NTI submission on the 2021 DNLUP, section on existing Inuit and Impact Benefit Agreements

In addition to the recommendations included in this joint submission, QIA recommends that the current Limited Use area for Future Parks (including Territorial Parks Awaiting Establishment and Proposed Territorial Parks) be changed to a Valued Ecosystem Component and that these areas be identified on Map B.

It should be noted that this joint submission does not include recommendations related to the existing Tallurutiup Imanga National Marine Conservation Area (TI NMCA) Inuit Impact and Benefit Agreement. While this IIBA has been finalized, the Government of Canada, Government of Nunavut, and QIA are still in the process of finalizing an Interim

Management Plan, including preliminary zoning, for the NMCA and it has not yet been formally established under the *Canada National Marine Conservation Areas Act* (CNMCAA). For QIA's recommendations on how interim land use designations should apply to Tallurutiup Imanga, please refer to Section 3.7 of this submission report.

3.2.2 *Future IIBAs*

As previously stated in QIA's June 24, 2022 submission to the NPC, QIA is concerned that many of the designations and plan requirements proposed in the 2021 DNLUP effectively achieve conservation goals while circumventing the requirement to negotiate IIBAs under Article 8 and 9 of the *Nunavut Agreement*. Since the regional public hearings, QIA has participated in a series of discussions with the GOC, GN, and NTI, and the other Regional Inuit Associations to resolve this concern in a way that supports a clear path forward for Limited Use designations that achieve conservation targets in final NLUP.

Please refer to the most recent NTI-RIAs joint submission and the GOC-GN-NTI (three signatories) joint submission for more detailed information on the mutually agreeable outcomes of these discussions and expectations for a path forward.

While a final solution between the above parties has not yet been reached, QIA is committed to continuing to discuss and resolve these concerns prior to the finalization of the Nunavut Land Use Plan. QIA also understands that GOC, GN, and NTI, too, are committed to resolving this concern. It is QIA's understanding that the Minister of Environment and Climate Change Canada will be providing support to demonstrate GOC's commitment; QIA considers this level of commitment an essential first step to negotiating future IIBAs and how these may help alleviate concerns associated with Limited Use designations in the 2021 DNLUP.

Importantly, QIA acknowledges that it is supporting many existing Limited Use designations or submitting new ones that fit this criterion of achieving conservation goals, including GOC's international conservation targets. A key question that will help guide future negotiations between GOC, GN, NTI and the RIAs, including QIA, is which Limited Use designations achieve conservation goals, or the criteria for counting towards GOC's conservation targets. From QIA's perspective, the marine, terrestrial, and/or freshwater Limited Use areas identified in Table 2 below meet conservation goals and should therefore be subject to a future IIBA. However, these are subject to further discussion with GOC, GN, NTI, and the other RIAs.

Table 2: Limited Use designation categories (existing in the 2021 DNLUP and new areas proposed by QIA through this submission and other joint submissions) and QIA rationale why these qualify as achieving conservation targets and require IIBA negotiation

Limited Use Designation Category	Existing (in 2021 DNLUP) or Proposed New Addition	QIA Rationale
Key Migratory Bird Habitat Sites (Class 1)	Existing	<p>Established for the purposes of protecting areas that are important to sustaining bird habitats, including nesting habitat on which a number of species are entirely dependent. According to Articles 8 and 9 of the Nunavut Agreement this qualifies as a conservation area and is therefore subject to IIBA negotiation.</p> <p>In addition, several of these areas overlap surface IOLs in the Qikiqtaaluk region. QIA proposes to designate these areas as IPCAs.</p>
Walrus Terrestrial Haul-Outs	Existing; Some Proposed New Additions (See Section 3.5.2)	<p>Established for the purposes of protecting key habitat requirements for walrus, which play an important role in the ecological function of Arctic marine ecosystems and are an important part of the traditional subsistence economic for the Inuit of Nunavut. According to Articles 8 and 9 of the Nunavut Agreement this qualifies as a conservation area and is therefore subject to IIBA negotiation.</p> <p>In addition, several of these areas overlap surface IOLs in the Qikiqtaaluk region. QIA proposes to designate these areas as IPCAs.</p>
Whale Calving Areas (Limited Use areas)	Existing; Some Proposed New Additions (See Section 3.5.3)	<p>Established for the purposes of protecting beluga, bowhead whale, and narwhal calving areas, which are iconic Arctic species with significant importance ecologically and to Inuit culture and well-being. According to Articles 8 and 9 of the Nunavut Agreement this qualifies as a conservation area and is therefore subject to IIBA negotiation.</p>
Caribou Habitat Areas (Calving, Post-Calving,	Some Existing; Many Proposed New Additions	<p>Established for the purposes of protecting key habitat requirements for caribou, which are a keystone species within the northern ecosystem</p>

Winter, Movement habitats, except Sea Ice Crossings)	(See joint QIA-QWB caribou submission)	<p>and are an essential resource providing food, supporting cultural heritage and driving local economies. According to Articles 8 and 9 of the Nunavut Agreement this qualifies as a conservation area and is therefore subject to IIBA negotiation.</p> <p>Note that it is unknown whether, or the extent to which these proposed new areas overlap surface IOLs in the Qikiqtaaluk region. If so, QIA proposes to designate these areas as IPCAs.</p>
Community Areas of Interest (Sanirajak, Nettilling Lake, and Foxe Basin)	Existing; Minor proposed new additions to Sanirajak (See joint QIA-QWB wildlife harvesting submission)	<p>According to the Options & Recommendations document, these areas have been established on the basis of their wildlife habitat and Inuit harvesting values.</p> <p>In addition, several of these areas overlap surface IOLs in the Qikiqtaaluk region. QIA proposes to designate these areas as IPCAs.</p> <p>From QIA's perspective, this qualifies as sustainable natural resource use and a conservation area and is therefore subject to IIBA negotiation.</p>
Community Areas of Interest – Wildlife Harvesting	Many Proposed New Additions (see joint QIA-QWB wildlife harvesting submission)	<p>These areas are requested to be established with the primary purpose of protecting locally important wildlife habitat and lands for the exercise of Inuit harvesting rights.</p> <p>Note that it is unknown whether, or the extent to which these proposed new areas overlap surface IOLs in the Qikiqtaaluk region. If so, QIA proposes to designate these areas as IPCAs.</p> <p>From QIA's perspective, this qualifies as sustainable natural resource use and a conservation area and is therefore subject to IIBA negotiation.</p>

Cumberland Sound Turbot Management Area	Existing	<p>According to the Options & Recommendations document, these areas have been established for the purposes of their ecological importance and/or their importance to communities for subsistence fisheries. From QIA's perspective, this qualifies as sustainable natural resource use and conservation.</p> <p>From QIA's perspective, this qualifies as sustainable natural resource use and a conservation area and is therefore subject to IIBA negotiation.</p>
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It should be noted that the table above may be subject to change with any revisions to the final NLUP that are unforeseen by QIA. For example, if NPC were to change the designation for polar bear denning areas from Conditional to Limited Use, this would need to be added to the list of areas equivalent to conservation areas and requiring IIBA negotiation.

3.3 EXISTING MINERAL AND OIL & GAS RIGHTS

The QIA acknowledges that existing mineral and oil and gas rights need to be grandfathered into the final Nunavut Land Use Plan.

Please refer to the joint NTI-RIA submission, section on existing rights, for more detailed information on recommendations for how this should be done.

Overall, QIA fully agrees with this submission and recognizes that this may apply to the additional Limited Use areas submitted through this report and other joint submissions.

3.4 CARIBOU

As previously stated in QIA's June 24, 2022 submission to the NPC, QIA is concerned that the 2021 DNLUP does not sufficiently protect caribou habitat for each of the barren ground caribou groupings on Baffin Island, Melville Peninsula, and surrounding islands, nor does it sufficiently protect Peary caribou habitat in the high Arctic. In response to this concern, QIA and the Qikiqtaaluk Wildlife Board (QWB) have been working collaboratively with the Hunters and Trappers Organizations (HTOs) of the Qikiqtaaluk region to identify the most important areas for caribou in the Qikiqtaaluk region, including their sensitive or important habitats (e.g., calving areas, post-calving areas, winter habitat, movement corridors, sea ice crossings) as well as important areas where Inuit harvest caribou. This collaboration has involved a series of in-person caribou mapping workshops (October 11-13 and December 9-10, 2022), two map verification opportunities with HTOs supported by written map packages, geospatial analysis and review of mapped areas relative to the best available western scientific data, and ongoing discussions between QIA and QWB staff.

Based on the results of this collaboration, QIA and QWB are jointly submitting a package of new areas for NPC to include in the final version of the Nunavut Land Use Plan, as well as providing recommendations on which land use designation category, activity prohibitions, and/or seasonal restrictions should apply to these areas.

For more detailed information on QIA's latest recommendations for caribou protection in the Qikiqtaaluk region, please refer to the joint QIA-QWB submission on caribou habitat protection.

3.5 MARINE SPECIES & IMPORTANT AREAS

The QIA's June 24, 2022 submission to the NPC did not include comments and recommendations specific to the protection of marine values and areas, with the notable exception of Tallurutiup Imanga. However, during the regional public hearings in Pond

Inlet and Iqaluit, QIA heard significant concerns from Inuit across the Qikiqtaaluk region that there are insufficient protections for marine mammals and important areas.

In response to this QIA staff, with support from Firelight Research Inc. and Higdon Wildlife Consulting, undertook an assessment of how well the 2021 DNLUP designations protect marine values and areas, including their relevance and importance to the exercise of Inuit harvesting rights. Specifically, QIA reviewed the proposed areas, land use designations, and plan requirements relative to the best available western scientific data and practices, QIA's extensive Inuit Qaujimaajatuqangit, and the Qikiqtaaluk Wildlife Board's (QWB) 2018 submissions to the NPC. The results of this review are detailed below according to the relevant section of the 2021 DNLUP.

3.5.1 *Polar Bear Denning Areas*

QIA supports the Conditional Use designation proposed by NPC in the 2021 DNLUP for polar bear denning areas. However, there are polar bear dens that have been missed in the current draft of the 2021 DNLUP.

In the Options and Recommendations document, NPC considers the environmental importance of the polar bear denning areas is moderate because “[a]lternative habitat is likely to be available”. The QIA agrees that alternative habitat may be available at the individual den scale, but alternate habitat at local and regional scales is actually very limited. The impacts of climate change are leading to reduced and later snowfall amounts, which is forcing polar bears to seek out suitable snow at higher elevations on Baffin Island, which means suitable maternity habitat is likely becoming more limited (Escajeda et al. 2018). In addition, a recent study by Florko et al. (2020) extensively mapped polar bear denning areas in Canada, and these data should be consulted to ensure no important denning areas in Nunavut have been missed in the final NLUP.

QIA recommends that additional polar bear denning areas should be included in the final version of the Nunavut Land Use Plan, including the following:

- **Areas previously submitted by the QWB that included polar bear denning habitat, but were not accepted into the plan (WS-13 – Community Areas of Interest – Polar Bear Denning, Emergence, and Mating)**
- **Areas identified in Florko et al. (2020) that are not already included in the plan**

The 2021 DNLUP also requires that proponents:

- "must have a trained polar bear monitor on hand to mitigate any responses to bear presence" (Plan Requirement 2.3-2)
- that any projects with earth moving components carried out between September 15th and April 15th "must engage a trained polar bear monitor to conduct a survey to locate active or suspected active dens" (Plan Requirement 2.3-3); and
- that proponents "must not carry out any activities within a 1 km radius exclusion zone around every known, recorded polar bear den between 15 September and 15 April, or until the trained polar bear monitor has documented and reported that the den has been vacated by the family group and the family group has left the exclusion zone." (Plan Requirement 2.3-5).

QIA supports these plan requirements. However, to ensure they are effectively implemented, QIA recommends considering the following questions when issuing conformity determinations:

- What training will be required for polar bear monitors to allow them to comprehensively search for and locate maternity dens?
- What are the expectations for how surveys will be conducted and who is expected to provide this guidance, ie. the Nunavut Impact Review Board (NIRB)?
- How will responses to bear presence be mitigated?

3.5.2 *Walrus Habitat (Terrestrial Haul-outs)*

QIA supports the Limited Use designation proposed by NPC in the 2021 DNLUP for walrus terrestrial haul-outs. However, QIA notes that some haul-outs that were classed as potentially abandoned by the WWF, including those near Wollaston Islands in northern Navy Board Inlet), were not included in the 2021 DNLUP. This area has been identified as important walrus haul-out habitat within QIA's IQ database which has generated uncertainty on whether these haul-outs are indeed abandoned. It is presumed that the classification of these sites as abandoned was based predominantly on western scientific evidence rather than IQ. Furthermore, there is evidence that walrus will re-occupy former haul-outs sites, leaving QIA concerned about the removal of these haul-outs from consideration.

QIA recommends that additional walrus terrestrial haul-outs that were previously submitted by the World Wildlife Fund (WWF) that were identified as abandoned, should be included in the final version of the Nunavut Land Use Plan.

3.5.3 *Whale Calving Areas*

QIA has identified that there is inconsistency in how identified whale calving areas are classified within the 2021 DNLUP, with some areas classified as Limited Use and others as Valued Ecosystem Components. For example, the important beluga calving area in Clearwater Fjord is a Limited Use area and some Bowhead and Narwhal calving areas (sites # 31 and 32 on Map A) are also Limited Use areas. By contrast, other whale calving habitats (beluga calving areas adjacent to Somerset Island, East Baffin Fjords and Belcher Islands; and additional Bowhead and Narwhal calving areas shown on Map B) are classed as Valued Components. In addition, QIA notes that some narwhal calving habitat identified as VEC overlaps with the QWB Submission #WS-40A, which was identified as important for narwhal calving; QWB Submission #WS-40B was also identified as important for narwhal calving, but is not overlapped by narwhal calving VECs under the 2021 DNLUP. Having all these areas classed as Limited Use would allow for consistency within the plan and would be more protective of sensitive habitats for whale species of importance to Inuit.

Recommendation: QIA recommends taking a consistent approach to designating all whale calving areas identified in the plan for the Qikiqtaaluk region to ensure consistency in the plan and effectively protect sensitive habitats for whale species of importance to Inuit. Specifically, QIA recommends that the NPC take the following actions:

- **Re-classify all whale calving areas in the Qikiqtaaluk region designated as VECs to Limited Use areas**
- **Accept QWB Submission #WS-40 into the plan as a Limited Use area, on the basis of its importance to narwhal calving⁴.**

⁴ Note that WS-40 is also being submitted for consideration as a "Community Area of Interest" or "Wildlife Harvesting Area" through the joint QIA and QWB submission regarding wildlife harvesting areas.

3.5.4 Polynyas

QIA supports the identification of polynyas under the 2021 DNLUP as VECs, and wishes to confirm that all major polynya systems have been adequately mapped and identified.

Recommendation: QIA recommends that NPC examine various sources of polynya location maps to confirm that the polynyas shown on Map B are accurate and comprehensive. These sources include:

- Stirling and Cleator ,1961 - *Polynyas in the Canadian Arctic*
- Stirling, 1997 - *The importance of polynyas, ice edges, and leads to marine mammals and birds.*
- Barber and Massom, 2007 – *The Role of Sea Ice in Arctic and Antarctic Polynyas.*
- Hannah et al., 2009 -*Polynyas and tidal currents in the Canadian Arctic Archipelago.*

3.5.5 Commercial Fisheries

The Cumberland Sound Turbot Management Area is particularly important for the community of Pangnirtung. QIA supports the inclusion of this area as Limited Use under the 2021 DNLUP. QIA also supports the designation of other char and turbot areas of abundance and commercial fishing areas identified as Valued Socio-Economic Components (Map B). It should be noted that as fisheries expand in the future, the NPC will need to make the appropriate plan updates.

3.6 COMMUNITY AREAS OF INTEREST OR WILDLIFE HARVESTING AREAS

During the 2021 DNLUP regional public hearings in Pond Inlet and Iqaluit, QIA heard significant concerns about the impacts of disruptive land and marine uses on wildlife and how this threatens food security based on traditional Inuit systems of harvesting and diets.

The QIA and QWB are jointly concerned that a lack of a clear and consistent pathway for protecting harvesting rights and investments in the 2021 DNLUP could result in important harvesting areas being severely degraded or destroyed in the future through potentially impactful land uses. Collaboratively, QIA and QWB jointly recommend that the NPC clearly recognize and enable the protection of specific lands and waters for wildlife harvesting areas identified by Inuit to adequately achieve the goals and objectives of the NLUP.

Please refer to the joint QIA and QWB submission regarding Wildlife Harvesting Areas for more context and specific recommendations.

3.7 TALLURUTIUP IMANGA

As previously stated in QIA's June 24, 2022 submission to the NPC, QIA continues to have concerns related to the interim management of the proposed National Marine Conservation Area Tallurutiup Imanga under the 2021 DNLUP. QIA recognizes that the Limited Use designation and Plan Requirement 3.1.2-1 are proposed as interim

protection measure until the NMCA is formally established under the *Canada National Marine Conservation Areas Act*. However, since there is no definitive timeline for this, QIA requests some improvements to the currently proposed interim management measures.

First, QIA maintains that the NPC must make amendments to Plan Requirement 3.1.2-1 to ensure the decision-making authority and role of the Aulattiqatgiit Board regarding the management of Tallurutiup Imanga are respected. Please refer to QIA's June 24, 2022 submission for more detailed information.

Second, QIA recommends that NPC sub-stratify the boundaries of the proposed TI NMCA according to Figure X below to better reflect the legislative requirements of national marine conservation areas under the *CNMCAA* and identified areas of high cultural and/or ecological sensitivity or value. QIA's recommendations for land use designations, activity prohibitions, and conditions for each area of TI NMCA are as follows:

Site 1 - Limited Use

This area should receive the highest level of protection within the boundaries of TI NMCA to protect special features such as sensitive habitats, ecosystem elements, cultural resources, and areas identified by communities as intolerant of disturbance. This area should be classified as Limited Use area within which the following incompatible uses are prohibited:

- oil and gas exploration and production;
- mineral exploration and production;
- quarries;
- hydro-electrical and related infrastructure;
- wind turbines for electrical generation that are over 15 m in height and related infrastructure
- all-weather roads;
- disposal at sea;
- tourism; and
- commercial fishing.

In addition, the following uses may be allowed conditionally at the discretion of the Aulattiqatgiit Board:

- recreation
- research
- monitoring

Site 2 – Limited Use

This area should receive the second highest level of protection within the boundaries of TI NMCA to protect special features such as sensitive habitats, ecosystem elements, characteristics that are representative of the marine region, and areas identified by communities as intolerant of disturbance. It is meant to support local scale community initiatives. This area should be classified as Limited Use area within which the following incompatible uses are prohibited:

- oil and gas exploration and production;
- mineral exploration and production;
- quarries;
- hydro-electrical and related infrastructure;
- wind turbines for electrical generation that are over 15 m in height and related infrastructure
- all-weather roads;
- disposal at sea;

In addition, the following uses may be allowed conditionally at the discretion of the Aulattiqatgiit Board:

- tourism (vessel sizes of 35 ft or less or pleasure craft, with limitations on the types of auxilliary crafts used, and with limitations on the number of tourists);
- commercial fishing (vessel sizes of 35 ft or less or pleasure craft, with limitations on the types of auxilliary crafts used, and with limitations on the number of passengers);
- recreation;
- research;
- educational outreach; and
- monitoring.

Site 3 – Limited Use

This area should receive the third highest level of protection within the boundaries of TI NMCA to, to enable a greater range of activities while still respecting the protection of special features. This area is considered less sensitive to disturbance and has the capacity to support more uses. This area should be classified as Limited Use area within which the following incompatible uses are prohibited:

- oil and gas exploration and production;
- mineral exploration and production;
- quarries;
- hydro-electrical and related infrastructure;
- wind turbines for electrical generation that are over 15 m in height and related infrastructure
- all-weather roads;
- disposal at sea;

In addition, the following uses may be allowed conditionally at the discretion of the Aulattiqatgiit Board:

- recreation
- tourism (vessel sizes of 105 ft or less or pleasure craft, with limitations on the types of auxilliary crafts used)
- commercial fishing (vessel sizes of 105 ft or less or pleasure craft, with limitations on the types of auxiliary crafts used)

The following uses are generally allowed:

- research
- monitoring
- educational outreach

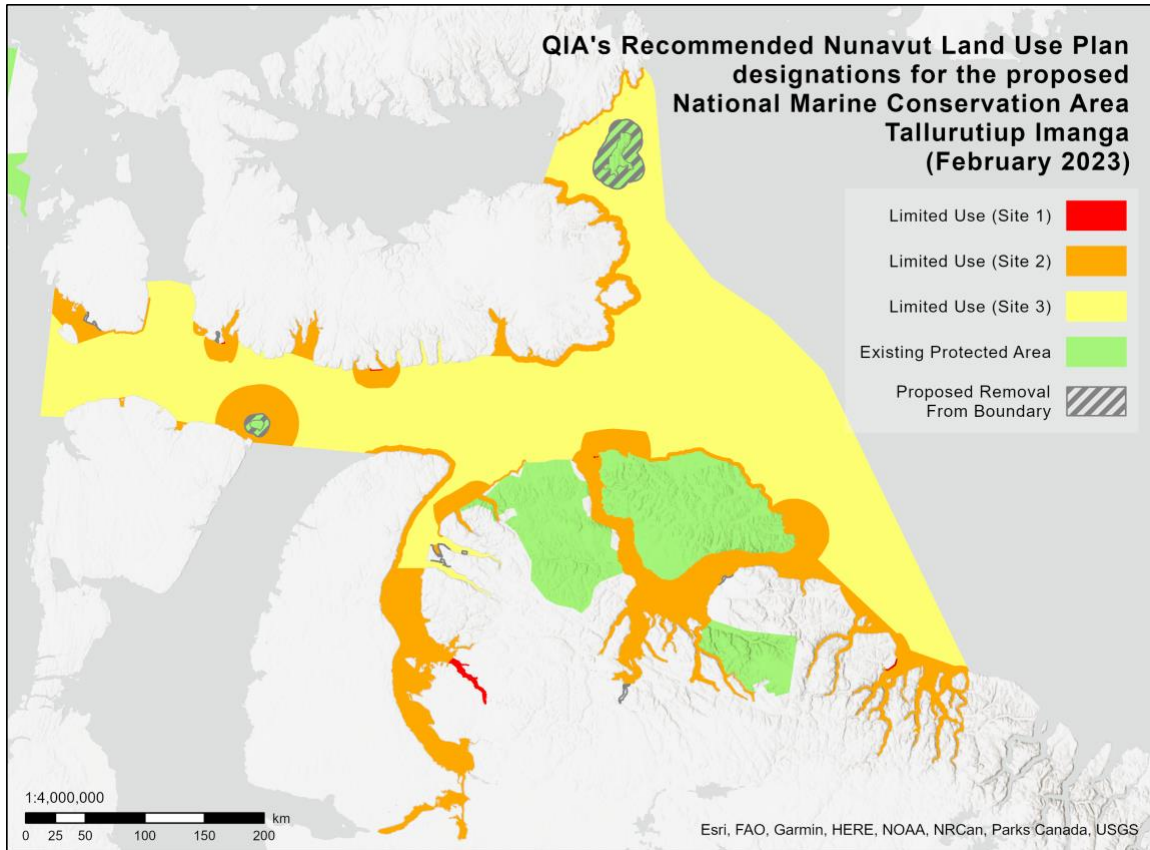


Figure 1: QIA's Recommended NLUP designations for the proposed National Marine Conservation Area Tallurutiup Imanga

In addition to the prohibitions and conditions above, QIA acknowledges that vital marine services should be exempt from plan requirements, including community resupply, emergency response, law enforcement, regulatory compliance monitoring, and the placement and maintenance of navigational aids.

It should be noted that the joint QIA and QWB submission regarding Wildlife Harvesting Areas contains a list of 2018 QWB submissions that QIA and QWB collaboratively recommend be added into the final NLUP as either “Community Areas of Interest” or “Wildlife Harvesting Areas”. This list includes all 2018 QWB submissions with important harvesting values that do not overlap the boundaries of the proposed TI NMCA.

The QIA is in the process of negotiations with the GOC on the Interim Management Plan (IMP) for TI NMCA. The IMP is expected to take time to complete, and the agreed-upon full zoning and land-use restrictions in TI NMCA may not be fully recognized for some years under the Final Management Plan is in effect. The recommendations above represent QIA’s perspective on additional conditions that should be added to the existing Plan Requirement 3.1.2-1, improve protection for sensitive marine values, ecosystems

and Inuit rights to harvest within them in a way that is likely to be mutually agreeable with other parties at this time, including QIA's partners in the development of the TI NMCA IMP. These recommendations (e.g., requested land use prohibitions) may differ slightly from those requested by QWB in the 2018 submissions that partially overlap TI NMCA (WS-03, WS-28, and WS-36), and as a result QIA and QWB have decided not to pursue joint recommendations for these wildlife harvesting areas to avoid causing confusion for NPC. For those portions of the submissions that do not overlap the TI NMCA boundaries, QIA is in support of QWB's recommendations.

3.8 MARINE SHIPPING & ICE-BREAKING

As previously stated in QIA's June 24, 2022 submission to the NPC, QIA continues to be concerned that marine shipping and ice-breaking activities are not sufficiently restricted under the 2021 DNLUP. In particular, QIA notes that the limitations on ice-breaking for caribou sea ice crossings, the North Water (Sarvarjuaq) Polynya and on-ice travel routes are considerably weaker than the existing measures in the North Baffin Regional Land Use Plan (NBRLUP). In particular, QIA notes that the NBRLUP managed to strike a balance between addressing impacts of marine shipping while aligning with Canada's international obligations.

For more detailed information, please refer to QIA's June 24, 2022 submission Section 2.9, including Recommendation #23.

In addition, QIA has engaged in discussions with the GOC, GN, and NTI regarding marine shipping and ice-breaking concerns and is generally in agreement that vital marine services should remain exempt from plan requirements. **Please refer to the joint GOC-GN-NTI submission for more detailed information on which vital marine services should be clearly and consistently exempt from Plan requirements.**

The joint GOC-GN-NTI submission also outlines several guiding principles that all parties agree to utilize in future discussions to resolve marine shipping concerns, both in and outside of the context of the 2021 DNLUP. However, it is important to note that QIA maintains that the final NLUP should play a role in restricting marine shipping and ice-breaking in order to protect sensitive marine values, environments, and the exercise of Inuit rights within them. With regards to guiding principle D ("The plan should complement existing regulatory regimes and authorities rather than duplicate them"), QIA maintains that existing regulatory regimes are currently not sufficiently addressing marine issues of importance. While QIA is also open to exploring other collaborative initiatives to address marine concerns, such as the Notice to Mariners system piloted in the Kitkmeot region, it must be acknowledged that some of these initiatives are relatively novel and their effectiveness is unproven. Finally, QIA maintains that the GOC has a mandate to ensure safe marine transportation, which from QIA's perspective includes means of marine transportation other than vessel traffic (e.g., the use of on-ice travel routes by Inuit). These must be taken into consideration when adjusting restrictions on marine shipping and ice-breaking in the final NLUP.

3.9 CONCLUSION

QIA appreciates the opportunity to participate in the development of the 2021 DNLUP as well as the NPC's efforts to advance it. We look forward to continuing to discuss the

above recommended changes with NPC as the Nunavut Land Use Plan progresses toward a final version. Most importantly, QIA is committed to advocating for the consideration of Inuit interests, rights and IOLs in the final Nunavut Land Use Plan.

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