

NUNAVUT PLANNING COMMISSION  
PUBLIC HEARING ON THE 2016 DRAFT NUNAVUT LAND USE PLAN

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NWT & Nunavut Chamber of Mines

PRE-HEARING WRITTEN SUBMISSION

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Filed by:  
Elizabeth Kingston  
General Manager – Nunavut  
NWT & Nunavut Chamber of Mines  
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*NWT & Nunavut Chamber of Mines  
Submission for the Public Hearing on the 2016 Draft Nunavut Land Use  
Plan*

**1/13/2017**

## **1 Background and Objectives**

The NWT & Nunavut Chamber of Mines (Chamber) has provided support and advice to the Nunavut Planning Commission (NPC), commented on all three drafts of the DNLUP (2011-2012, 2014, 2016), and attended the series of technical meetings on the DNLUP held during 2015 and 2016.

The Chamber is the leading advocate for responsible and sustainable mineral exploration and development in the NWT and Nunavut. The membership of the Chamber spans a wide range of companies that are actively mining and exploring in Nunavut and have, therefore, taken a strong interest in the development of the land use plan for the territory.

The Chamber, on behalf of the mineral exploration and development community, remains committed to the common goal of contributing to the development of a land use plan that will fully achieve the objectives spelled out in Article 11 of the NLCA, taking into account the realities of our industry's small footprint.

## **2 General Comments and Recommendations**

Exploration and mining make a significant contribution to territorial economies and to local Indigenous communities. In many instances, the minerals industry is the primary, if not the sole, private sector actor operating in remote parts of the territories. Mining is the North's economic advantage, with nine geological provinces providing very diverse mineral potential. As the North is largely under-mapped and under-explored, its future mining potential is significant. As the primary private-sector driver for the territorial economies, the minerals industry directly accounts for between 18-25% of their gross domestic product (GDP). In Nunavut, millions of dollars are spent by the mineral exploration and mining industries in the territory each year through jobs, training, taxes, and support for local and growing Indigenous service industries through business opportunities.

The Chamber remains highly concerned about the significant and long-term negative impacts that the 2016 DNLUP, as presently drafted, will have on mineral exploration and development in Nunavut, and the overall economic development of the territory.

We strongly recommend that the 2016 DNLUP not be advanced as currently constructed, and that a land use plan be developed that adequately balances economic, environmental and social priorities of Nunavummiut, as outlined in the Nunavut Land Claim Agreement (NLCA), Article 11.2.1:

*"...social, cultural, and economic endeavours of the human community must be central to land use planning and implementation...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 Canadians."*

If implemented in its present form, the 2016 DNLUP will deter investors from funding exploration projects in the territory and will therefore dramatically reduce the potential for new discoveries and mining projects that would provide economic benefits to Nunavut. The current version of the plan has significantly and unnecessarily increased the amount of land that is off limits to mineral exploration and mining. There have been substantial changes to the designations for the protection of the caribou habitat, caribou freshwater crossings, and Heritage Rivers in the 2016 DNLUP from *Special Management Areas* to *Protected & Prohibited Areas*. The NLCA provides for processes in Nunavut to accomplish conservation aims while allowing for benefits for Nunavummiut; Articles 8 and 9 are designed to protect land and marine areas in Nunavut.

The 2016 DNLUP appears to discount the fact that protective measures are already outlined and enforced in the regulatory system through various terrestrial monitoring and management plans for mining and exploration activities. It also does not acknowledge industry's demonstrated commitment to adopt leading practices related to impact mitigation. In our view, the changes in land use designations have not struck a balance between the goals of economic development potential and ecological conservation. The plan, in its current form, does not recognize our industry's demonstrated leadership applying technological solutions toward limiting environmental impacts on wildlife, etc.

We believe a comprehensive and adaptive land use plan that is collaboratively developed has the potential to fulfill its role in allocating land access for sustainable economic development, while promoting sound land use decisions that serve the long-term interests of Nunavut. A well-developed, balanced plan will increase certainty and reduce the risks that are inherent in the mineral exploration and development process, while reconciling social and ecological goals.

### 3 Specific Comments and Recommendations

#### 3.1 Caribou Habitat

##### 3.1.1 2016 DNLUP Section 2.2.1, p. 27.

##### 3.1.2 Comment

***Core caribou calving areas, key access corridors, and post-calving areas are assigned a Protected Area Land Use Designation that prohibits incompatible uses. For clarity, this applies to areas that are shown as having high mineral potential in Schedule B.***

##### 3.1.3 Recommendation(s)

2016 DNLUP, Section 2.2.1.1, p.27, sentence 2 be changed to "With effective mitigation measures and monitoring programs, mineral exploration and development activities can co-exist with sustainable development in caribou calving areas."

2016 DNLUP, Section 2.2.1.2, p.27, sentence 2 be changed to "With effective mitigation measures and monitoring programs, mineral exploration and development activities can co-exist with sustainable development in caribou access corridors."

2016 DNLUP, Section 2.2.1.3, p.27, add the sentence "However, with effective mitigation measures and monitoring programs, mineral exploration and development activities can co-exist with sustainable development in caribou post-calving areas."

### 3.1.4 Rationale

The Chamber recognizes that mining projects in Nunavut may interact with caribou. Caribou protection measures have been applied by industry for many years and have been developed through a regulated and collaborative process with input from governments, regulatory bodies, Regional Inuit Associations, Hunter and Trapper Associations, communities, and adapting industry best-practices.

Nunavut's minerals industry is leading many efforts in studying and monitoring the effects of exploration and mining activities on caribou (collaborating with GN on caribou collaring) and we continually adapt new information and new approaches to monitoring and reducing those impacts (mobile caribou protection measures) and have shared this information with land use planning partners.

### 3.1.5 Supporting Material

Chamber / EDI Caribou Protection Measures – Technical Review, submitted February 5, 2016.

Chamber / EDI Caribou Protection Measures – Technical Review Translated Executive Summaries, submitted November 15, 2016.

## 3.2 Grandfathering of Existing Rights - Minerals

### 3.2.1 2016 DNLUP Section 6.5.1, p. 52

### 3.2.2 Comment

***In the mining sector, the notion of grandfathering is complex, as projects move through a number of fairly distinct stages... NPC considers there to be seven (7) distinct stages in Mineral Exploration and Development. A Project/Project Proposal, as it was approved or accepted as a completed submission, prior to approval of the NLUP, may be considered grandfathered under the NUPPAA for the purposes of Conformity Determination. However, the transition from one stage of Mineral Exploration and Development to another may require a new Conformity Determination.***

### 3.2.3 Recommendation(s)

The grandfathering of existing rights on all stages of mineral exploration and development without exceptions should be included in the DNLUP.

### 3.2.4 Rationale

If the proposed 2016 DNLUP is approved, it could potentially prevent future development of existing claims beyond the exploration stage. The NPC can consider a significant modification and could require a conformity determination and, under the proposed 2016 DNLUP, advanced exploration or mining will no longer meet conformity. The position of Indigenous and Northern Affairs Canada (INAC) was that the grandfathering of existing rights on all stages of mineral exploration and development without exceptions should be included in the DNLUP.

## 4 Editorial Recommendations and Considerations

Page #	Description, Recommendation and Rationale
P. 12	<b>Definitions</b> – “Transportation Infrastructure” is not currently defined. <b>Recommendation</b> – It should be defined broadly within the plan to include seasonal and all weather roads, ports, airstrips, railways, and any other facilities designed to support the movement of persons or goods.

	<b>Rationale for change</b> – Transportation Infrastructure is a critical need of industry in developing projects throughout Nunavut at remote locations. The Chamber recommends that the plan clearly state that winter roads and power transmission lines are permitted within corridors that cross through protected areas.
P. 22	<b><u>Section 2.2.1.1.</u></b> <b>Recommendation</b> - sentence 2 be changed to “With effective mitigation measures and monitoring programs, mineral exploration and development activities can co-exist with sustainable development in caribou calving areas.”
P. 22	<b><u>Section 2.2.1.2.</u></b> <b>Recommendation</b> - sentence 2 be changed to “With effective mitigation measures and monitoring programs, mineral exploration and development activities can co-exist with sustainable development in caribou access corridors.”
P. 22	<b><u>Section 2.2.1.3.</u></b> <b>Recommendation</b> - add the sentence “However, with effective mitigation measures and monitoring programs, mineral exploration and development activities can co-exist with sustainable development in caribou post-calving areas.”
P. 52	<b><u>Section 6.5.1</u></b> <b>Recommendation</b> – Remove the sentence “However, the transition from one stage of Mineral Exploration and Development to another may require a new Conformity Determination”.