

Government of Canada
Technical Priorities and Comments
Draft Nunavut Land Use Plan

Technical Submission - July 2013

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Introduction

As the Department responsible for coordinating the Government of Canada's (GoC) support to the Nunavut Planning Commission's (NPC) development of a land use plan for Nunavut, Aboriginal Affairs and Northern Development Canada (AANDC) has gathered additional technical priorities, comments, data and suggested land use management approaches from participating federal departments and agencies with an interest in successful plan development. These technical priorities and comments are contained in the present document. This document complements federal recommendations made in earlier submissions to the Commission including the *"Government of Canada, Priority Expectations for a First Generation Nunavut Land Use Plan"* (submitted to the NPC April 2013) and the earlier coordinated GoC reviews (Government of Canada September 2010 comments on the June 2010 Working Draft Nunavut Land Use Plan, March 2011 Comments on the December 2010 Draft Land Use Plan and the October 2011 letter from the Minister of Aboriginal Affairs and Northern Development Canada on the July 2011 Draft Nunavut Land Use Plan). The document also reflects and provides support to the implementation of the key recommendations of the *Independent Review Draft Nunavut Land Use Plan, June 2012* (Independent Review).

As the planning process continues, the GoC will continue to support NPC's efforts towards the development of a successful Nunavut Land Use Plan (NLUP). If and as new information/data becomes available or clarifications of this and past submissions are sought by the Commission, the GoC will strive to meet NPC's timeframe for filling the gaps. The technical priorities, comments, data and suggested land use management approaches are presented by individual department or agency in the sections that follow. The sections have been arranged by alphabetical order. There is no suggestion that any one department's comments have precedence over others.

Section 1: Aboriginal Affairs and Northern Development Canada

The following are Aboriginal Affairs and Northern Development Canada's (AANDC) technical priorities and comments on topics which fall within its departmental mandate. These comments are presented sequentially, following the chapters and sections of the current Draft Nunavut Land Use Plan (DNLUP). However, they do not constitute a comprehensive review of the 2011-2012 DNLUP.

General Comment

A general comment that applies to a number of sections of the DNLUP, and mostly Chapters 1 and 7, is the use of a number of terms that are either: i) not defined; ii) appear to be interchangeable; iii) not consistent with those used in the *Nunavut Planning and Project Assessment Act*; or iv) are simply unclear as to their meaning and application within the plan. It is imperative that the use of these terms are consistent throughout the document and do not differ from those used in governing documents and legislation (the Nunavut land Claims Agreement (NLCA) and *NUPPAA*).

For example, the DNLUP's use of "Project" is inconsistent with *NUPPAA*, which refers to "Project Proposals". "Terms" is defined as "the set of administrative requirements" but the "administrative requirements" are not defined nor presented in the DNLUP. "Criteria" seems to be interchangeable with "terms" or at least is confusing as to the use and meaning.

Chapter 1: Land Use Planning in the Nunavut Settlement Area

1.3.1 The Purpose of Plan

AANDC supports the findings and recommendations of the Independent Review of the Draft Nunavut Land Use Plan (Independent Review) confirming that the overall "vision" and the purpose of the plan, as well as its intended effect must be better defined (see pgs. 73 -74 of the Independent Review). AANDC considers this to be a critical first step for the plan's revision.

1.3.2 Methodology

The methodology section needs strengthening to assist in the comprehension of the plan. As per the suggestions made in the Independent Review (pgs. 74-75), the following are some topics that should be discussed in the DNLUP:

1. Plan development process
2. Plan's role in the integrated regulatory system

3. Input received and how this input has been incorporated
4. Plan's approach to Permitted and Prohibited Uses (7.8), Land use Designations and Recommendations and Generally Permitted Uses, and
5. Processes to be used for plan implementation and periodic review

1.3.2.2 Consultations

The first two paragraphs of this section do not belong in a land use plan. They do not add value to the objectives, purpose and intended effect of the plan.

1.3.3 Plan Content

In AANDC's view, the section on plan content should provide more information on each chapter. Interpreting the plan would be clearer if a simpler framework for land use designations was used. Current designation types (e.g., Protecting and Sustaining the Environment) contain variable levels of permitted and prohibited uses which add to the complexity of the draft plan. AANDC recommends simplifying land use designations as much as possible by reducing the variability within each designation. This could be achieved through the regrouping of land use designations by their permitted and prohibited uses, (see Section 2: Environment Canada).

For the plan to be effective there is a clear requirement to introduce the land use designations with an explanation that clearly and unambiguously describes the purpose, rationale, permitted and prohibited uses and any associated terms and conditions. The Independent Review provides considerable guidance that helps clarify the difference between NPC's zoning approach and those used in other northern regional plans. Considering that some of the eventual users of the NLUP are familiar with the other northern plans (particularly industry), further explanation in the DNLUP would result in a better understanding of the plan and its intended effect.

1.3.4 Application of the Plan

The term "Project" should be replaced with "Project Proposal" in order to be consistent with the *Nunavut Planning and Project Assessment Act (NUPPAA)*, unless NPC's intention is to refer to existing projects only. What are the administrative requirements referred to in the definition of "Terms"? Since this section refers to land use designations and terms being "legally binding", this needs to be clarified for the reader and the specific references in *NUPPAA* be incorporated.

1.3.5 Using the Plan

Step 3: Determine if Recommendations apply to location of Project Proposal – Recommendations are not conformity requirements, they are neither legally binding nor enforceable. Furthermore, "impacts" on the values identified in the DNLUP

Recommendations are assessed through the Nunavut Impact Review Board (NIRB) environmental assessment processes as well as the subsequent governmental permitting processes.

Chapter 4: Building Healthier Communities

4.2.1 Transportation Infrastructure

This section should include proposed transportation corridors that are part of project proposals already put forward by proponents. These include:

- the proposed 350 kilometre all weather access road and port for the Izok Corridor project;
- BIPAR's proposed road corridor;
- the Mary River railroad, as approved in the original Mary River project certificate;
- the proposed winter road for the Back River gold project;
- the previous extension of the Tibbitt-Contwoyto winter road into Nunavut to Lupin and Jericho;
- the road option under consideration for the Kiggavik uranium project.

AANDC would suggest that one way to represent the proposed transportation corridors on Schedule A would be to indicate the corridors using dashed lines.

The transportation corridor under consideration from Manitoba to several of the Kivalliq communities should not appear as an existing use, as it does on Schedule A. It has not yet been submitted as a proposed project. At best, dotted lines should be used for this corridor in order to differentiate it from existing and proposed corridors that have already been introduced into the Nunavut regulatory system (i.e. proposed project description, Draft Environmental Impact Statements (DEIS) or Final Environmental Impact Statements (FEIS) submitted for conformity or screening).

4.4.3 Northern Contaminated Sites Program

Among the acronyms listed on page 5, NCSP is defined as the National Contaminated Sites Program. It should read the Northern Contaminated Sites Program.

Upon examination of the text in 4.4.2 and Table 1 there is the potential for misunderstanding. In the text it clearly states that AANDC and DND have shared responsibility for the clean-up of the DEW line sites. In Table 1 under the description of "permitted/prohibited uses" there is only a reference to DND having use of "operations and activities" on these sites. AANDC should have full access to these sites as well.

In addition, the list of sites is incomplete. The following sites are missing: CAM-F, FOX-C and BAF-5 (as well as the other BAF sites however these are not under AANDC control).

As an additional consideration, it would be helpful to have all the sites listed in Table 1 grouped together (i.e. all FOX sites together, all CAM sites together, etc.). At the moment, they are in order of ID numbers.

From the point of view of the NCSP, BHC-8 and BHC-9 sites do not need to prohibit all other uses of the site. The NCSP as well as the AANDC's Nunavut Regional Office (NRO) encourages the open use of lands in Nunavut. While certain investments on site need to be protected, this does not preclude all other uses in the area. In some cases, there are no investments left on site and full access and use would be acceptable.

An investment such as a landfill (hazardous or non-hazardous waste) requires certain protection in order to maintain its structural integrity. This means that any activity that could impact a landfill should be avoided, including direct drilling, setting up a camp or creating a large landing pad. However uses such as a small helicopter landing pad or a light storage area are acceptable.

Upon examination of the community maps in Appendix A, several sites are marked as BHC-8 (239). This designation classifies the sites as part of the Northern Contaminated Sites Program. The majority of these sites are not NCSP sites.

Many of the BHC-8 (239) sites appear to be smaller waste sites that may have been identified by the public. These sites have not been confirmed by the AANDC's Contaminated Sites Program and therefore it may be erroneous to have them identified on the maps in Appendix A. In addition, leaving them on the maps will make the DNLUP outdated as the status of sites change annually. It is extremely difficult to track smaller waste sites as any person or group may clean up the site without notification to the NPC or any other authority.

It is unclear why all the sites have been identified on the map. The larger contaminated sites should be identified as it could impact land use. However, the smaller waste sites will not likely affect the use of the land as they are often abandoned barrel caches. Given the amount of information on the maps, this could lead to confusion rather than clarity. Additionally, identifying all the classes of sites misrepresents the territory having it appear more contaminated than it is. AANDC suggests that all small sites be removed or the maps should clearly distinguish between AANDC sites and other sites.

Further to the points discussed above, the NCSP does see value in keeping record of identified potential contaminated sites. Furthermore, since the status of sites changes

on an annual basis, having it reflected in a future approved NLUP would make the plan outdated within a year of its coming into effect. A reference to the Federal Contaminated Sites Inventory (<http://www.tbs-sct.gc.ca/fcsi-rscf/home-accueil-eng.aspx>) within the land use plan would offer a detailed list of sites that are under federal responsibility. This inventory is updated annually and will give the current status of the site.

Chapter 5: Encouraging Sustainable Economic Development

5.1.1 Mineral Exploration and Production

Understanding the geoscience context of a deposit means knowing what lies beyond its boundaries. Very often discoveries are made beyond the boundaries of the deposit because favorable indicators were identified first (sometimes many kilometres away).

The number of exploration sites that eventually become mineral deposits that could be mined is quite small. If a land use plan attempts to pre-determine where exploration or mining can take place and where not, the net effect is to discourage exploration and decrease investment. Fewer discoveries will be made as a consequence.

In order to indicate the level of activity the mining sector is likely to bring to the territory and for NPC to signal to industry through the land use plan what kind of potential resource economy can be developed, it should be made clear both in Section 5.1.1 and Chapter 6: Mixed Use, that all areas outside of community boundaries, parks, bird sanctuaries and critical wildlife habitat are open to exploration and potential resource development.

It is also important to understand that geoscience knowledge of the territory is far too incomplete for the mineral potential to be known and a definitive “map” to be made of the cycle of resource exploration, evaluation and exploitation.

As a start for formulating a land use designation in the DNLUP for mining, four categories are proposed under an ESED land use designation: i) exploration activity; ii) past mines; iii) current operating mines; and, iv) projects in the permitting process. Currently, there is only one land use designation ESED -1 that encompasses both Existing Mines and Advanced Stage of Exploration.

In an attempt to highlight what land area in the Territory can be considered of greatest likelihood for mineral resource exploration, evaluation and exploitation, AANDC has provided the accompanying maps (Figures 1 and 2) on the following pages. For the purpose of these illustrations, the symbols of the point data and the colors of the areas outlined and even their size are unimportant. The maps should be looked at as clusters where our existing knowledge of favorable geology and history of exploration activity is concentrated. One can immediately recognize corridors or groupings of higher

The level of detail presented in Figure 1 below is rough (subject to change and revision) and is only presented to illustrate the concept and rationale that AANDC is putting forward.



7

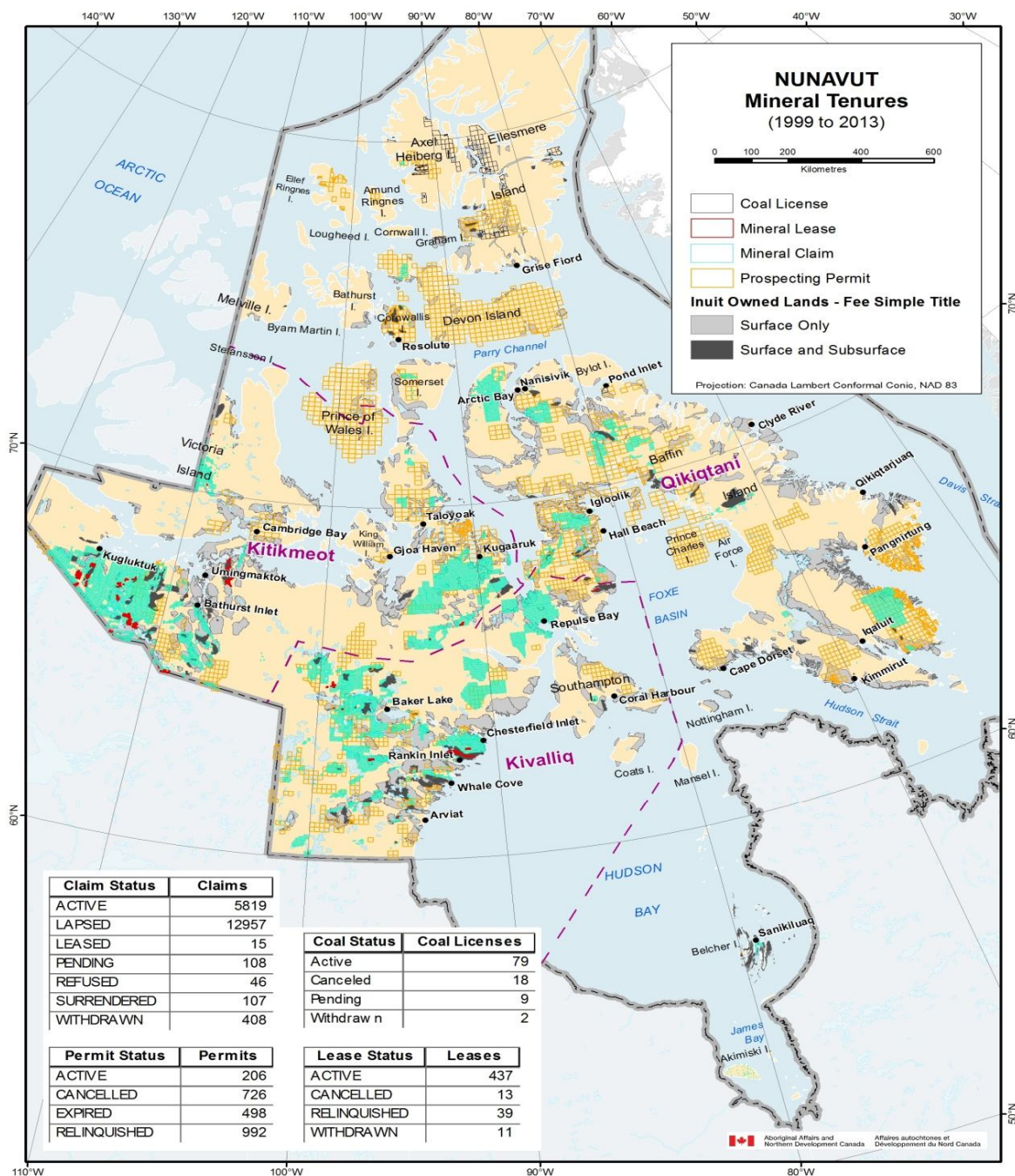


Figure 2: Depiction of Nunavut Mineral Tenures (1999 to 2013) (PDF provided separately)

Finally, Table 1, Land Use Designations and Schedule A, appear to be missing certain ESED-1 mining and exploration sites. Please add Doris, which is an existing mine and different from Hope Bay. Sabina should also be added in ESED-1 as Advanced Stage of Exploration. Jericho and Lupin should be under an ESED designation as mines in care and maintenance.

5.1.2 Oil and Gas Exploration and Production

Note that the **Significant Discovery Licence (SDL)** specifically referenced here is only one of three types of oil and gas licence. The production licence (PL) is required for a company to produce and this would generally be issued congruent with or within the boundaries of a SDL. Although there are currently no production licences in Nunavut, the text of ESED-2 should recognize that a production licence would be issued to replace a SDL in all or in part once all necessary permitting requirements have been met.

Significant Discovery Licences are only issued for discoveries which have been proved by drilling a well. Exploration to locate drilling locations is much more extensive than the resulting significant discoveries and will occur either on exploration licences and/or more broadly still at a basin scale. It is this kind of exploration which has presented Nunavut with an inventory of discovered oil and gas resources, opportunity for employment and benefits in the exploration phase, has stimulated research and helped developed infrastructure. To ensure transparency, it is in our view important to be clear in the DNLUP that oil and gas development does not occur without exploration, that such exploration is necessarily extensive, involving geophysical methods and exploratory drilling, all of which are fully regulated and subject to environmental screening/assessment.

Exploration Licences (ELs) are issued pursuant to regional calls for nominations where areas excluded from the call are clearly indicated, and a subsequent call for bids on a specific block. Although there are currently no exploration licences in Nunavut - there is a current call for nominations - the text of ESED-2 (Page 43) should recognize that an exploration licence(s) is issued to encourage exploration in parts of Nunavut with oil and gas potential.

It might also be noted that a significant discovery area can increase or reduce in size with new information about the extent of a field.

The SDL077 at Romulus (near Eureka) appears to have been omitted from the map. This area saw some drilling in the 1970s which demonstrated oil and gas resources and potential. This area is part of the Sverdrup Basin, recognized in the plan as has having 'the potential to be one of the most lucrative economic activities in Nunavut'. It is suggested that the map indicate the Romulus SDL.

AANDC is concerned with the absence of greater discussion of areas of oil and gas potential. While commercial fishing is considered as a potential economic activity, it is unclear why oil and gas is not treated in a similar manner. To improve balance across the range of potential economic activities, the discussion of areas of oil and gas potential could be framed as follows: "Project proponents should collaborate with conservation interests to ensure that optimal best practices are used to optimize economic potential and conservation interests".

There appears to be inconsistencies with regard to the mapping of commercial fishing areas and bird habitat areas. Note that commercial fishing areas are mapped outside the NSA and Outer Land Fast Ice Zone whereas PSE designations for bird habitat are clipped along the NSA boundary. It would be useful to see the adjoining areas of important bird habitat which lie seaward of the NSA boundary be defined as well.

AANDC is also concerned with the designation of slivers of PSE adjoining the area of interest for the Lancaster Sound National Marine Conservation Areas (NMCA). The final boundary decision of the NMCA will take into account conservation and economic development factors. Designation of a sliver of PSE seaward of the illustrated boundary of the potential Lancaster Sound NCMA appears to ignore the process and rationale behind the park establishment. Values for conservation within the NCMA would be fully considered in this process and therefore would require a justification for protecting these adjoining areas.

Finally, it is suggested that the definitions of: "Research", "Marine Communications" and "Electrical cable" be elaborated upon for greater clarity for potential project proponents. It would also be of assistance if NPC's concerns, if any, for not permitting other types of cable such as fiber optics were explained.

Chapter 7: Implementation Strategy

A Nunavut Land Use Plan needs to be a standalone document that contains the necessary information required by Inuit, government (federal and territorial), Designated Inuit Organizations (DIOs), Institutes of Public Governance (IPGs), project proponents and other stakeholders to fully understand the plan. The DNLUP is the only document subject to the approvals process under the Nunavut Land Claims Agreement (NLCA 11.5.5 through 11.5.9) and the *Nunavut Planning and Project Assessment Act* (NUPPAA s.53 through s.55). Supporting documents while part of the planning process are not part of the plan.

7.1 Conformity Determination

The term “criteria” is misused in this section and should not appear in a section on conformity determination. A conformity determination is based on the permitted and prohibited uses and the associated terms and conditions of a land use designation.

The DNLUP should clearly confirm that Recommendations are not conformity requirements.

7.2 Cumulative Impacts

The GoC suggests that NPC work closely with NIRB and NWB to develop a process for the referral of projects normally exempt from screening but where there is a concern for cumulative impacts. This framework should be made available to project proponents before they submit their project descriptions. Proponents need to understand how and why their proposed project, normally exempt from NIRB screening, may be impacted by NPC concerns for cumulative impacts.

7.4 Plan Amendment

The Commission must consider all plan amendment requests (NLCA 11.6.2; NUPPAA s. 59 and s. 61). NPC does not have the discretionary authority to make any exceptions, even in the case of prohibited uses as suggested in this section.

7.5 Monitoring Plan Implementation

The Nunavut General Monitoring Plan is another multi-stakeholder forum where socio-economic and ecosystemic information will be generated. Among other uses, this information could contribute to the monitoring of the NLUP.

7.6 Periodic Review

A more specific period for Plan Review should be determined for the *first generation* land use plan. It was suggested in the “*Government of Canada, Priority Expectations for a First Generation Land Use Plan*” document that a period of 5 years would be an appropriate interval for the review of a first generation plan.

7.7 Project Proposals

It would be more useful if this section begins the chapter. A statement that the Commission is the entry point in the Nunavut regulatory regime would provide the clarity necessary for project proponents, regulators and other stakeholders about the process.

7.8 Permitted and Prohibited Uses

Many of the participating federal government departments have concerns regarding the lack of specificity of the proposed permitted and prohibited uses in the various land use designations. For example, Tourism, Recreation and Research are permitted uses in several land use designations. These terms are not defined in the DNLUP; there are neither particular spatial nor temporal restrictions identified that may be appropriate nor any other terms and conditions associated with the land use designation.

As referenced elsewhere in this document, land use designations are not complete without the listing of both permitted and prohibited uses for any given designation. These and any associated conditions are what determines a proposed project's conformity. The current DNLUP is confusing in this regard as several designation types do not include this information. If a use is not listed as being prohibited, then all uses are permitted.

7.9 Legal Non-Conforming Uses

The DNLUP should include a statement on the five year time limit on the cessation of legal non-conforming uses, as well as other conditions related to "rights preserved", (*NUPPAA* s. 207 and 208).

7.10 Land Use Designations and Recommendations

What is an administrative requirement? This should be defined and the use explained in the DNLUP.

Once again, Recommendations are neither legally binding nor enforceable. They do not constitute conformity requirements.

Section 2: Environment Canada

Clarity in visual representation of zoning

It is critical that the visual representation of the DNLUP accommodate the cultural prominence of 'oral and visual' means for processing information by the majority of Nunavummiut. If information critical to understanding the practical application of the land use designations can only be gained by closely reading map legends, or by a careful read of the corresponding text in a series of accompanying documents, there is a risk that a high proportion of the general population will make incorrect assumptions about how areas of interest to them are designated (i.e. it is possible people will assume that all areas in what are 'green' zones in the current draft plan, will receive similar treatment, not realizing that there is a significant difference in the level of restriction associated with a PSE-1 versus a PSE-R).

Confusion regarding application of the land use designations could be minimized by 'colour-coding' zones based on the restrictions associated with them (e.g. PSE-1 and ECP-1 have similar restrictions and should be colour coded similarly, etc.).

Definitions of tourism; recreation; research

In June 2010 EC presented NPC with a list of migratory bird key habitat sites that should be considered for restricted access or special management zoning through the land use plan (letter attached). It seems that most of EC's proposed 'restricted access' sites are addressed in the migratory birds PSE and ECP zones in the draft plan.

EC suggests that the land use plan must be clear that prohibitions and authorizations associated with the zones do not apply to activities for which Inuit Beneficiaries do not require any form of lease, permit, or other authorization pursuant to the NLCA (and it would be helpful to the reader to list them).

In order to achieve the intent of these zones, EC has concern that the terms 'tourism' 'recreation', and 'research' have not been defined.

In all Migratory Birds PSE and ECP zones,

"Research" that would be consistent with EC's intent for those areas would be research that

- contributes to wildlife and/or habitat conservation;
- OR

- is neutral with respect to conservation and does not cause long-term or repeated disturbance or significant alteration of wildlife habitat;

“Tourism” that would be consistent with EC’s intent for those areas would be tourism that does not cause long-term or repeated disturbance of wildlife or significant alteration of wildlife habitat;

“Recreation” that would be consistent with EC’s intent for those areas would be recreation that does not cause long-term or repeated disturbance of wildlife or significant alteration of wildlife habitat.

and,

- In Migratory Bird Sanctuaries and National Wildlife Areas, activities must not be inconsistent with the purpose of the protected area and must be consistent with its most recent management plan, where a management plan exists;
- In Migratory Bird Sanctuaries and National Wildlife Areas, conformity requirements must be consistent with the terms of the *Inuit Impact and Benefits Agreement for Migratory Bird Sanctuaries and National Wildlife Areas in the Nunavut Settlement Area*.

1. Special management terms and conditions for certain key migratory bird habitat sites

EC notes that provision has not been made for special management of certain key migratory bird key habitat sites, as advised in its June 2010 letter to NPC. Instead these sites are represented in areas where only recommendations apply. EC advises that these sites would be better managed for migratory birds if the current ‘recommended’ zoning were changed to a ‘special management’ designation that had mandatory conformity requirements.

In June 2013, EC provided a detailed explanation to NPC of the process it followed to collect and analyse the data used to develop detailed technical advice for key migratory bird habitat sites. EC will summarize this site-specific advice in a mapbook of sites. The mapbook will be delivered to NPC in the fall of 2014.

2. Subject areas addressed by first generation plan

A first generation plan zoning scheme must address these resources:

- Migratory birds
- Terrestrial species of economic and cultural importance
- Marine mammals
- Key areas of biodiversity

- Key community areas of importance
- Key areas of known economic potential
- Transportation corridors

3. Climate change

A first generation land use plan must acknowledge the reality of climate change and use zoning to identify areas where climate change-specific risks may manifest, and where mitigation measures for certain activities are recommended.

It is predicted that some areas of Nunavut will be susceptible to significant biophysical and geophysical change related to climate warming. Other areas will be more resilient and will undergo relatively little change. It is prudent to account for degree of susceptibility to climate-induced change in the land use planning process.

Planning for future change should include discouraging development in areas where climate change effects (e.g. coastal erosion, permafrost loss/slumping, drying of ponds, lakes, and wetlands, etc.) is most likely to have significant negative effects on infrastructure. This determination should be made in the context of community planning (where to extend community residential areas) as well as for industrial developments (e.g. mining waste management practices that depend on intact or consistent permafrost would be discouraged in areas likely to experience permafrost loss).

Future planning should also support conservation of biological “resilience” in Arctic ecosystems –by safeguarding areas that are least likely to experience significant ecosystem change (indicators of change could include species composition, moisture regimes, etc.) due to climate warming. These resilient areas will, in time, take on a relatively higher level of importance to conservation of Arctic species, as baseline ecosystem conditions change.

4. Cumulative Impacts

The only LUP in the north to date that has tried to use thresholds is the North Yukon LUP. It has worked so far, though much of the planning area is withdrawn from development and there have been no large scale proposals in the remainder.

EC feels that the approach NPC is proposing a reasonable starting point with respect to an approach for flagging cumulative impact concerns (i.e. a checklist of questions for staff to run through when reviewing project descriptions that have been submitted to the NPC for conformity determination). The NPC’s role is not to determine cumulative impacts; it is to flag projects where NPC has concern for cumulative impact issues for projects not subject to NIRB screening.

Some of the guiding questions that are in the implementation guidance document (Appendix 2 of “*Working Together to Implement the Nunavut Land Use Plan*”) are applicable; some need to be better thought through and reworded. Recognizing that the issue of identifying and responding to cumulative impact concerns is one that requires collaboration between NPC and other relevant Institutes of Public Government (e.g. NIRB, NWMB, and NWB), EC suggests that it would be useful to have a more complete set of guiding questions articulated in the implementation guidance document. EC suggests, for example, that the implementation chapter of the DNLUP should contain a clear description of the purpose of the cumulative impacts assessment (as per our second paragraph, above); a clear description of factors to be considered in determining the potential for cumulative impacts; and the questions NPC intends to consider in its review.



Environment
Canada

Environnement
Canada

Gatineau, QC K1A 0H3

JUN 17 2010

Sharon Ehaloak
Executive Director
Nunavut Planning Commission
PO Box 2101
Cambridge Bay, NU X0B 0C0

Dear Ms. Ehaloak,

I am writing in reference to information on key migratory bird habitat sites that Environment Canada has provided to the Nunavut Planning Commission to inform the development of the Nunavut Land Use Plan. In an email to officials of Environment Canada on May 7, 2010, Mr. Adrian Boyd requested that Environment Canada specify any recommended restrictions in association with key habitat sites for consideration in completion of the Nunavut Land Use Plan.

In response to Mr. Boyd's request, Environment Canada has identified 38 sites for which limited access zoning is recommended under the Nunavut Land Use Plan and an additional 31 sites for which special management zoning is recommended (please see Annex I).

With respect to sites recommended for special management zoning, Environment Canada will provide further details on recommended terms and conditions to be applied to these sites on a site-by-site basis following the Commission's release of a first draft of the Land Use Plan for review.

I would like to take this opportunity to extend my appreciation on behalf of Environment Canada for the opportunity to participate in the planning process, and to wish the Commission every success in developing the Nunavut Land Use Plan.

Yours Sincerely,

Cynthia Wright
A/Assistant Deputy Minister
Environmental Stewardship Branch

Enclosure

Canada

www.ec.gc.ca

Section 3: Fisheries and Oceans Canada

A. Exploratory/ Commercial Fisheries and Subsistence Fisheries

Exploratory/ Commercial Fisheries

Need for Additional Details on Permitted Activities

While recognizing the need for flexibility in permitted and prohibited uses and that the listed uses are not exhaustive, Fisheries and Oceans (DFO) is concerned that greater clarity is needed in some circumstances. DFO notes that on page 38 of the DNLUP, Table 1, under the Protecting and Sustaining the Environment (PSE) land use designations, the PSE-2, ID 73, Cod Lakes, that there is currently an exploratory fishery for Arctic Char on Qasigialiminiq Lake, with the Pangnirtung Hunting and Trappers Organization (HTO) as the license holder. The PSE-2 designation states that permitted uses are “Tourism, Recreation, and Research” and lists no prohibited uses. DFO assumes that the DNLUP allows for the continuation of this exploratory fishery, as well as the possible future commercial fishery for Arctic Char that might follow the exploratory fishery.

The above comments may also apply to page 38 of the DNLUP in Table 1, PSE-2, ID 74, Cod Lakes - Tariujarusiq Lake. This site may also be an exploratory fishery for Arctic Char, with Pangnirtung HTO as the license holder. The uncertainty may be due to some confusion about the name of the lake, as this name has also been used to refer to a lake near Kimmirut, which also reportedly has cod. If this refers to the lake near Pangnirtung, there is also an exploratory fishery for Arctic Char and a possible future commercial fishery DFO therefore strongly suggests that the land use designation include exploratory and commercial fisheries as permitted uses for the two Cod Lakes.

The PSE-2 designation for the Cod Lakes lists permitted uses as “Tourism, Recreation, and Research”. The draft NLUP defines “Tourism” as meaning “all land uses related to tourism, such as tourism facilities or outfitting.” DFO is concerned about the breadth of the definition for “Tourism”. With respect to “tourism” and “recreation” permitted uses, as both could include sports fishing, it is important that additional angling pressure not comprise the cod, which may become listed under the Species at Risk Act. DFO is also concerned with respect to the parameters of the permitted use of “research”, which is not defined in the DNLUP, and as to whether research might extend to exploratory industrial activity.

At page 39 of the DNLUP, Table 1: ECP-1, ID 76, National Parks Awaiting Full Establishment – Ukkusiksalik, listed permitted uses include “Tourism, Recreation, and Research” and prohibited uses are “All other uses”. Please note that Wager Bay is a

Schedule V water body identified in the NWT Fishery Regulations that might have commercial fishing, and there may be others. DFO recommends that “existing commercial fisheries” be added to the listed permitted uses until such time as Ukkusiksalik National Park, already an operating park, is formally legislated under the *Canada National Parks Act*. Afterward, commercial fishing will be guided by the NLCA which limits commercial fishing opportunities to beneficiaries of the agreement, by any applicable legislation and regulations and by the IIBA for Ukkusiksalik National Park.

Include “Shrimp” in Referenced Commercial Fisheries

DFO suggests modifying the sentence on page 31, s.5.1.3 of the DNLUP, which presently states “Commercial fisheries are an emerging sector in Nunavut’s economy, with turbot and char currently being harvested” to refer instead to “turbot, char and shrimp” (add “shrimp”, which is currently being harvested).

Consider Protecting Commercial Fishing Areas by Land Use Designation

The DNLUP plan identifies most important char and Greenland halibut (turbot) commercial fishing areas, but they are only assigned a recommendation and not a land use designation. Since recommendations are not conformity requirements and therefore are neither legally binding nor enforceable, DFO strongly suggests protecting the following commercial fishing areas through a land use designation:

- **The Cumberland Sound Turbot Management Area (CSTMA)** - The Cumberland Sound Turbot Management Area (Figure 2) is bounded by the following points and coordinates:
 1. 65° 32' 24" N 67° 07' 12" W;
 2. 65° 40' 48" N 66° 21' 00" W;
 3. 65° 43' 48" N 65° 50' 24" W; and
 4. 65° 44' 24" N 65° 30' 00" W.

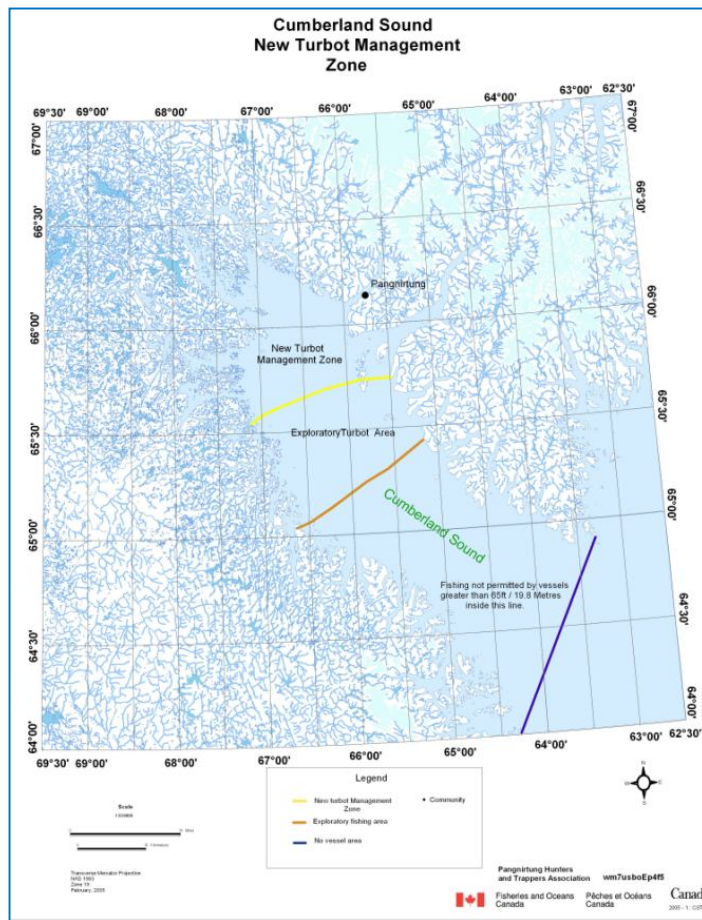


Figure 2 Cumberland Sound New Turbot Mgt Zone

- Inshore Areas**

DFO notes that there has been a lot of interest, and some exploratory fisheries, in the inshore areas around Qikiqtarjuaq and Clyde River for Greenland Halibut (turbot), and a lot of recent interest in doing an exploratory fishery for Greenland Halibut (turbot) in Jones Sound near Grise Fiord. There has also been both past and recent interest in exploratory Greenland Halibut (turbot) fisheries from the community of Pond Inlet.

- NAFO Divisions 0A and 0B**

DFO notes that Nunavut has substantial Greenland Halibut (turbot) allocations in these areas, encompassing both the offshore in Davis Strait and Baffin Bay (identified as Zone 1 in Article 15 of the Nunavut Land Claims Agreement) and the inshore inside the Nunavut Settlement Area Boundary. Please see Figure 3 for a map showing NAFO Divisions 0A and 0B.

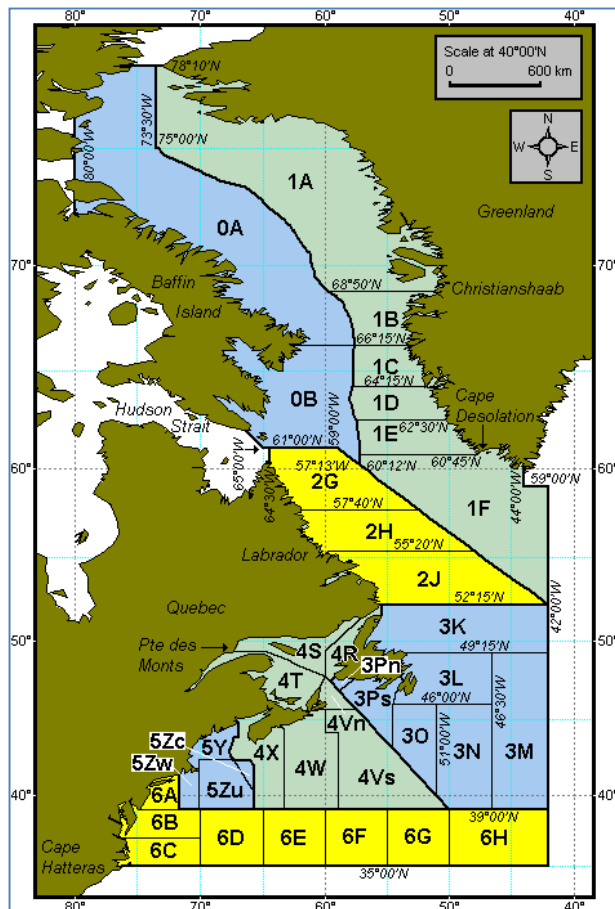


Figure 3: Map of NAFO Divisions 0A and 0B

- The Schedule V of the Northwest Territories Fishery Regulations list of water bodies that can be fished for commercial purposes in Nunavut

Schedule V of the Northwest Territories Fishery Regulations <http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,c.847/page-13.html#-14> includes a list of water bodies that can be fished for commercial purposes in Nunavut. Specifically, for Nunavut refer to the water bodies and their details that are listed for Regions IV, V, and VI.

- Shrimp Fishing Areas (SFAs)

DFO notes that Nunavut has allocations in the SFAs (see Figure 4 and 5). There have been changes to boundaries of Shrimp Fishing Areas, which are being implemented for 2013. The attached slide shows SFAs Davis Strait, Nunavut and Nunavik (former SFAs 2 and 3). (Although this slide is entitled “Proposed SFAs”, these new SFAs have now been approved.)

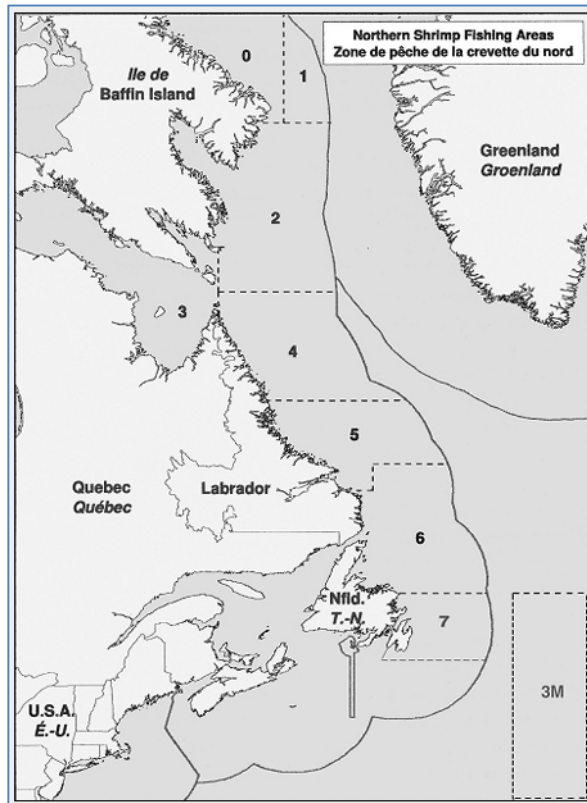


Figure 4: Shrimp Fishing Areas

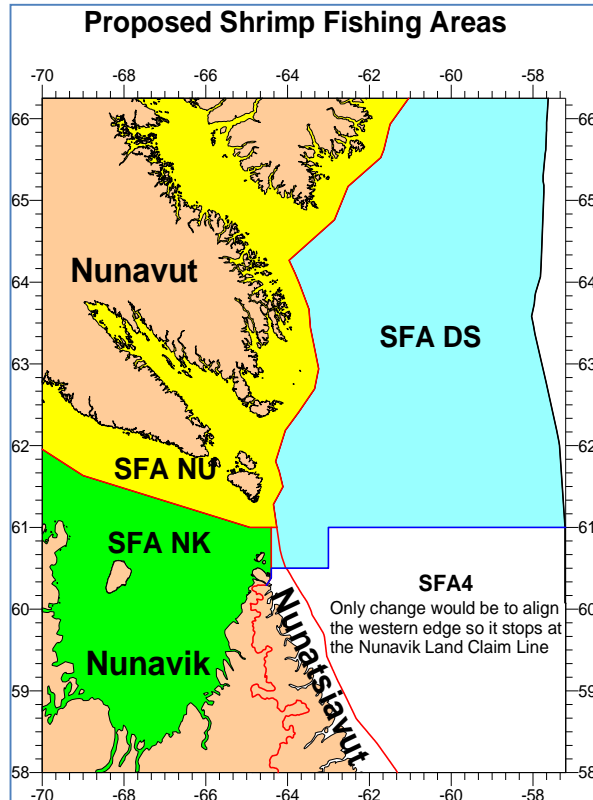


Figure 5: Updated Shrimp Fishing Areas

Consider Protecting Exploratory Fisheries by Land Use Designation

DFO strongly suggests protecting the following exploratory fishing areas through land use designation:

Exploratory Arctic Char Fisheries

The following active exploratory Arctic Char water bodies in Nunavut:

- **Pangnirtung Area:**

- Unnamed Lake - W of Ilikok Island - 65°18'N 63°28'W
- Unnamed Lake – North of Isuituq - 66°45'N 68°08'W
- Unnamed Lake- W of Kangiaualaak - 66°11'N 69°06'W
- Unnamed Lake – Tupilling Bay - 66°11'N 68°14'W
- Unnamed Lake - NW of Ijaruvaan Lake - 66°45'N 67°54'W
- Kairoluk Fiord – North Arm - 65°36'N 63°36'W
- Avituaq Chidlak Bay - 64°34'N 66°53'W
- Ikpit Bay - 65°21'N 67°12'W
- Qasigialiminiq Lake - 65°48'N 68°10'W
- Qasigiyat Lake - 64°37'N 66°19'W
- Tagioyuk Lake - 65°34'N 67°40'W
- Kingnait Fiord - 66°15'N 64°22'W
- Isuituq (Head of Clearwater Fiord) - 66°37'N 67°52'W
- Millut Bay - 66°36'N 67°32'W
- Nauliniavik Lake - 65°13'N 63°50'W
- Kipisa - 66°33'N 67°57'W
- Robert Peel Inlet (Iqaluit Lake) - 65°02'N 67°07'W
- Anaktuayuit - 65°17'N 64°05'W

- **Coral Harbour Area:**

- Canyon Lakes (3) –
 - (1): 65°09'41.38"N 84°11'5.30"W;
 - (2): 65°09'17.58"N 84°12'20.75"W; and
 - (3): 65°09'3.37"N 84°12'46.39"W.
- Cape Donovan Area - 64°45'9.26"N 82°34'45.35"W.

- **Qikiqtarjuaq Area:**

- Confederation Fiord Area (4 lakes) –
 - (1): 68°09'00"N 68°00'00"W;
 - (2): 68°12'00"N 67°58'00"W;
 - (3): 68°13'00"N 67°56'00"W; and

- (4): 68°12'00"N 67°55'00"W.
- **Bathurst Inlet Area:**
 - Burnside Bay/Swan Lake - 66°47'N 108°10'W.

Subsistence Fisheries

Expand Statement on Subsistence Harvesting; Ensure “Cultural Value” is understood to include the Harvesting of Fish and Marine Mammals

Chapter 4.1.2, Community Land Use, states: “Nunavummiut rely on migrating species for subsistence, and as a result, have a long established history of land use across much of the NSA. The Commission has been working to map this history, within living memory. Areas of importance to communities have been identified based on patterns of community land use. To manage impacts on areas of traditional land use, they are only assigned a Recommendation (BHC-R2).” “Migrating species” are not defined in the DNLUP, and may not be understood to include fish and marine mammals. DFO suggests that the statement be amended to read “...Nunavummiut rely on migrating species, including fish and marine mammals for subsistence”.

DFO also strongly suggests that, after consultation with communities, consideration be given to protecting important subsistence fisheries through a land use designation, rather than by a recommendation, which is neither legally binding nor enforceable. Another example, the BHC-R2 Recommendation given to areas of traditional land use is “Project Proposals located in areas of traditional land use should take into account impacts on the cultural value of the area.” “Cultural value” is not defined and may not be understood by all to include subsistence harvesting. DFO suggests that consideration be given to defining “Cultural value” and indicating that subsistence harvesting of fish and marine mammals is included as part of “cultural value”.

Commercial/Exploratory and Subsistence Fisheries Should Be Given Land Use Designations

DFO strongly suggests that commercial/exploratory and important subsistence fisheries are given land use designations. While the designations of commercial and subsistence fishing areas may overlap, it is recommended that important subsistence char fishing areas be explicitly protected.

B. Implementation

Clarify Implementation Process and Include Information about “Regulatory Authorities” in Implementation

At page 35 of the DNLUP, under “Implementation Strategy”, “Conformity Determination” states that “A Conformity Determination is a review of a Project Proposal to determine if it complies with the criteria of the Plan.” It goes on to state that NPC shall receive and consider all Project Proposals, determine if they conform to the Plan, forward proposals with determinations and any recommendations to “the appropriate federal and territorial agencies” and for project proposals that are not exempt from screening by NIRB, forward same to the NIRB with determination/ recommendations for the NIRB to screen.

C. General

Cumulative impacts

A project under DFO’s Strategic Program for Ecosystem-Based Research and Advice (SPERA) will produce a heat map of cumulative shipping impacts on walrus in the Foxe Basin/ Hudson Strait complex. Jason Hamilton is the principal investigator of this project. (DFO will provide this map to the NPC when completed, as an example of a tool that can be used to assess cumulative impacts.)

Application of Plan to National Marine Conservation Areas (NMCAs)

DFO suggests that the wording of passages that discuss the application of the draft NLUP to NMCAs be modified to provide greater consistency and address the following concern. The draft states at page 14, 1.3.4, “Application of the Plan”: “The Plan does not apply within established National Parks, National Marine Conservation Areas...” At page 2, 3.1.1.3, “National Marine Conservation Areas” the draft Plan again indicates that “land use plans developed by the Commission do not apply within established NMCA’s”. Page 16, 2.1 sets out that the Commission’s Objectives include to “manage land use in and around areas of biological importance, Conservation Areas...” and to “address the requirements for conservation, management and protection of aquatic resources, their habitats and ecosystems.” DFO suggests that the objectives statement make it clear that the objective is not to manage land in Conservation Areas (as currently stated), so that the objectives are consistent with the stated application of the Plan.

Protecting and Sustaining the Environment

Page 16 lists areas and issues that have been identified to support the goal of protecting and sustaining the environment. DFO suggests that “key fish and/or marine mammal habitat areas” be added to the bulleted list.

DFO suggests clarification to make it clear that the Protecting and Sustaining the Environment designation persists in a scenario where, for example, an interest – a marine mammal or fish – may no longer exist/be present in an area, but is a Species at Risk and the area is part of a recovery plan for that species.

Territorial and Community Infrastructure

Page 25, 4.2, DFO suggests that the Commission's policy to "identify methods to manage ship traffic, ship to shore activities and routes in marine areas of Nunavut" state that the Commission will achieve this objective in consultation with the Government of Nunavut and relevant GoC departments.

Marine Infrastructure

At page 38, Land Use Designation PSE-3 lists permitted uses as "Tourism, Recreation, Research, Marine Infrastructure, Marine Communications and Electrical Cables". This designation encompasses the Belcher Island Polynyas, the North Water Polynya and several Marine Conservation Areas (MCAs). Marine Infrastructure is defined as meaning "ports or other infrastructure needed to support the coming and going of marine vessels to land and communities." As polynyas, MCAs and Marine Protected Areas (MPA) are all highly sensitive areas, DFO strongly suggests that the impact of human activities on these environments be as minimal as possible. DFO strongly suggests that marine shipping activities and infrastructure in these polynyas not be a permitted use and that a PSE-2 designation should be considered for any area containing a polynya, MPA or MCA.

Research

Page 39, ECP-1 Designation lists permitted uses as: "Tourism, Recreation, and Research". DFO has the same concerns with the scope of these permitted uses with respect to the proposed Lancaster Sound National Marine Conservation Area as stated in the preceding paragraph regarding the PSE 2 and 3 designations and the meaning of these terms.

Corridors

Page 43, ESED-1 Designation lists the permitted uses as: "Mining, Remediation and Reclamation Activities, Roads, Railways, Utilities and Corridors." "Utility Corridor" is defined in the DNLUP to mean "an area that is intended to be used for electrical, utility or communications infrastructure." DFO is concerned that shipping intensity and periodicity by way of a corridor not be a permitted ESED-1 use, and suggests that this designation be clarified with respect to what type of "Corridors" is permitted.

D. Community Maps

DFO suggests that the Community Maps appended to the draft NLUP be revised to more clearly illustrate the land use designations and to make the maps easier to utilize and avoid the need for the user to repeatedly refer back and forth between the maps and the Land Use Designation Tables. For example, the map on page 46 of the draft NLUP contains several overlapping land use designations, including Building Healthy Communities, Protecting and Sustaining the Environment, Encouraging Conservation Planning and Encouraging Sustainable Economic Development. DFO also suggests modifications to ensure that no designated area is hidden beneath another and that measures such as putting the land use designations on each page for ease of reference be considered. To improve the flow of the draft Plan and the Options and Recommendations document, DFO also recommends creating a better link between the maps and the land use designations.

The ECP-1 Proposed Lancaster Sound Conservation Area under a large opaque polygon (shapefile) does not demonstrate to the reader that this is marine habitat and it is overlain by the ESED designation which, as it will allow for marine shipping, gives conflicting information.

DFO also suggests revisions to the map on Page 68, the Sanikiluaq Community Map, PSE-3 (36) Belcher Island Polynya. PSE-3 (36) is referenced as Key Bird Habitat (P.38 Table 1), which is somewhat consistent with the information reported in the DFO document “Conversations with Nunavut Communities on Areas of Ecological Importance” (at p. 131), however this DFO document also elaborates with much greater detail on important habitat of several other species and notes an additional polynya (at page 130). PSE-3 land use designation lists permitted uses as “Tourism, Recreation, Research, Marine Infrastructure, Marine Communications and Electrical Cables”. “Marine infrastructure” is defined as “ports or other infrastructure needed to support the coming and going of marine vessels to land and communities”. DFO suggests that permitting the “marine infrastructure” be reconsidered, as it does not promote the intent of the PSE designation.

Information and Map Scale

DFO suggests that NPC use the information relied on to create the maps in ‘Conversations with Nunavut Communities on Areas of Ecological Importance – Fisheries and Oceans 2011’ (see Appendix), as those maps clearly identify communities, and reference polynyas, fish, wildlife and marine mammal habitat at map scale which better conveys information such as how shipping activity might be referenced to a particular land location. DFO also suggests consideration of including

additional detail in the Tables to document fish and fish habitat (including marine mammals) as well as birds and caribou, available in the information in the 2011 DFO document 'Conversations with Nunavut Communities on Areas of Ecological Importance'.

E. Data Layers and Shape Files

DFO suggests including the following DFO data layers into the draft NLUP:

- Land locked Cod Lakes;
- Arctic Ecologically and Biologically Significant Areas (EBSAs);
- Arctic Marine Workshop, Areas of High Biological Importance (HBI);
- Traditional Knowledge; and
- Foxe Basin Area of Interest

Please see the Annex at the end of this chapter for information as to how to access the data layers and shapefiles

Arctic Ecologically and Biologically Significant Areas (EBSAs)

DFO strongly suggests that the draft NLUP reference all of the EBSAs identified in the recent Canadian Science Advisory Secretariat (CSAS) process. (Please refer to http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2011/2011_055-eng.pdf.)

The EBSAs are identified through a scientific and technical process, combining the best available scientific and traditional knowledge. They are evaluated against a specific set of criteria, including: uniqueness; aggregation; fitness consequence; resilience and naturalness. The EBSA maps show policy makers and managers which criteria were met to make the area an EBSA. Policy guidance on management of EBSAs is limited to 'areas where a higher degree of risk aversion is needed'. . Most of the important marine mammal areas would be noted if the plan identified EBSAs.. In the future, as available science and traditional knowledge about these areas expands, DFO may be able to provide additional information to NPC to assist with consideration of these areas.

Arctic Marine Workshop - Areas of High Biological Importance (HBI)

These Areas of HBI are referenced in the options and recommendations section where they overlap with key bird habitat sites. If the above EBSA data is included, please remove the references to the Areas of HBI because they overlap.

Traditional Knowledge

Traditional Knowledge layers in the DFO shapefiles (see Annex) were collected by the DFO Oceans Program in 2011. The layers include valuable ecological and biological

information, and were collected for marine planning purposes (under the MPA Network Initiative). These layers were included in the development of the EBSAs.

Foxe Basin Area of Interest (AOI)

DFO recommends that NPC use the information in the shapefile with respect to the Foxe Basin AOI as it sees fit. An AIO for a Marine Protected Area (MPA) was identified in the Foxe Basin marine area. Nunavut agencies and communities, government departments and other stakeholders were consulted and expressed interest in establishing a MPA in the Foxe Basin marine area. The Foxe Basin marine area is a major entrance/exit migratory route for bowhead whales and narwhal through Fury and Hecla Strait. It is also a central aggregation area for walrus. A small polynya provides highly productive habitat for a wide variety of marine life. The boundary of the AOI was identified through community consultations and science meetings. The MPA process was postponed.

Shapefiles

The above comments for the draft Nunavut Land Use Plan include recommendations to include/consider three additional shapefiles. Please see the Annex for directions to these shapefiles.

Annex DFO Section

The following information can be accessed via the DFO FTP site:

- **Conversations with Nunavut Communities on Areas of Ecological Importance** (Fisheries and Oceans Canada, 2011)
- **Shapefiles:**

For any questions on the shapefiles, please contact: Leah Brown, Senior Oceans Biologist, Central and Arctic Region, DFO, 204.984.6276 / leah.brown@dfo-mpo.gc.ca

FTP SITE LOGIN INFORMATION

The username and password to log on to the FTP site is:

Username: [REDACTED]

Password: [REDACTED]

To use your Private FTP folder you **MUST use Windows Explorer**. Start by opening Windows Explorer on your computer.

Type the following FTP site link <ftp://ftp1.dfo-mpo.gc.ca/> in the Address field in Windows Explorer. Click File then Login as.....



From the Log On As window, enter your Username and Password as indicated above and click the Log On button.

After logging on you are ready to start copying data to the FTP site through your Windows Explorer.

Section 4: National Defence and Canadian Forces

ITEM	PAGE NO	SECTION	OBSERVATIONS	RECOMMENDATIONS
1.	Page 5	Acronyms - CFS	<p>Canadian Forces Services</p> <p>The word Services is incorrect.</p> <p>DND does not have CF Services and this term could be misleading for the general public.</p> <p>DND/CAF has only one station in the North which is CFS Alert.</p>	<p>Recommend:</p> <p>Recommend to replace the word Services with Station.</p>
2.	Page 5	Acronyms - DND	<p>DND</p> <p>The acronym listed only says DND although both Department of National Defence and Canadian Armed Forces are listed.</p>	<p>Recommend:</p> <p>To change to DND/CAF to reflect <u>both</u> Department of National Defence and Canadian Armed Forces</p>
3.	Page 6	Definition of Land	<p>Land</p> <p>The definition could be more inclusive by using the NUPPAA definition.</p>	<p>Recommend:</p> <p>Using/referring to the definition from NUPPAA: “Land” includes land covered by water, whether in onshore or offshore, waters and resources, including wildlife”</p>
4.	Page 7	Definition of Land Use Designation	<p>Land Use Designation</p> <p>This definition could be expanded to explain the purpose of land use designations and its role. Land use designations are geographic-specific categories with associated sets of land use and management policies associated to them.</p>	<p>Recommend:</p> <p>Suggest that the definition of Land Use Designation should include the purpose and role of land use designations.</p>
5.	N/A	New Definition - Permitted Uses	<p>Permitted Use</p> <p>The definition of Prohibited</p>	<p>Recommend:</p> <p>Adding the definition of permitted uses.</p>

ITEM	PAGE NO	SECTION	OBSERVATIONS	RECOMMENDATIONS
			uses is defined but not Permitted uses.	NUPPAA under 48(2) provides: "a land use plan may contain descriptions of permitted, subject to any terms and conditions that the plan sets out, and prohibited uses of land."
6.	Page 8	Definition - Transportation Corridor	<p>Clarification question:</p> <p>The word "intended" within the definition implies that the term transportation corridor only refers to new or proposed routes not those that already exist. This is not clear. If it is referring to all transportation corridors, existing and future then the definition should reflect this.</p>	<p>Recommend:</p> <p>To clarify the meaning of the definition to existing or new or both.</p>
7.	Page 14	1.4 Last paragraph - Final sentence and throughout the document	<p>Term Project and Project Proposal "...as they relate to the management and regulation of project proposals." Project proposals and projects seem to be interchangeable within the Plan which creates a lot of confusion. In this case it seems as though the sentence is referring to projects not project proposals.</p> <p>The Plan either needs to distinguish between the two and ensure they are used in the correct context throughout or only use one of the terms.</p>	<p>Recommend:</p> <p>To clarify the use of project <u>and</u> project proposal in the Plan.</p>
8.	Page 16	2.1 First bullet	The sentence contains two different tenses and should be reworded. Suggest deleting the "s" on provides	<p>Recommend:</p> <p>Deleting the "s" on provides.</p>
9.	Page	2.1 Second bullet	Areas of Significance to Inuit	Recommend:

ITEM	PAGE NO	SECTION	OBSERVATIONS	RECOMMENDATIONS
	16		This term is mentioned within bullet two, is this the same as areas of interest as defined within the definitions section, or does this have a different meaning? If it is different this meaning should be provided in the definitions section.	Defining in glossary section, areas of significance to Inuit and Areas of Interest need found in para. 2.1, second bullet to help the reader understand the difference between both terms.
10.	Page 27	4.4.2 Land Remediation	<p>"The Former Distant Early Warning (DEW) was" ... add "a" after was.</p> <p>Also - the areas should be replaced by the sites.</p>	<p>Recommend:</p> <p>1st sentence in para 4.4.2 : Add “a” between the word was and system.</p> <p>"The Former Distant Early Warning (DEW) was a system of radar stations built in 1954 across the Arctic as the primary line of air defence warning for the North American Continent."</p> <p>2nd sentence in para 4.4.2: Recommend replacing the word areas with the word ‘sites’ has it is the correct term to refer to the NWS Establishments.</p> <p>The areas are either administered by the Aboriginal Affairs and Northern Development Canada....</p>
11.	N/A	4.4.2 Last Paragraph	Sentence should be reworded so that it does not indicate DND directly requested the 300m set back.	<p>Recommended:</p> <p>"A 300m setback will be applied to areas under the administrative control of the Department of National Defence."</p>
12.	Page 28	4.5.1 Department of National Defence Sites	<p>Please change the title of this section from Canadian Forces Stations to Department of National Defence Establishments</p> <p>DND/CF only owns one Canadian Forces Stations in Nunavut (CFS Alert) and the information could be</p>	<p>Recommend:</p> <p>Change the title by removing the word "Stations" and replacing it with “Establishments” as per the definition in the National Defence Act (NDA) "Defence Establishments".</p>

ITEM	PAGE NO	SECTION	OBSERVATIONS	RECOMMENDATIONS
			misleading to the general public.	
13.	Page 28	4.5.1.1 Canadian Forces Stations	See recommendation	<p>Recommend:</p> <p>Replace the word airport with the term ‘aerodrome’. There are no airport facilities in Eureka and the information could be misleading to the general public.</p> <p>Replace the current wording with the following paragraph:</p> <p>Eureka is a site shared by multiple Federal Departments such as Environmental Canada, Natural Resources Canada and Department of National Defence. The aerodrome is administered by Environment Canada. Fort Eureka (accommodation building located beside the aerodrome) is maintained by DND, a number of other buildings are located on the site and maintained by Environmental Canada such as the Weather station.</p>
14.	Page 28	4.5.1.1 Canadian Forces Stations 2 nd paragraph	See recommendation.	<p>Recommend:</p> <p>Rewriting and shortening the 3rd para in section 4.5.1.1 as follows:</p> <p>“Nanisivik is the future site of the deepwater naval facility and helipad located on Baffin Island, 40 km from the community of Arctic Bay in Nunavut. Once complete, the naval facility will support the Royal Canadian Navy and other Government of Canada operations.”</p>
15.	Page 36	7.10 Land Use Designations, Terms and Recommendations	N/A	<p>Recommend:</p> <p>Removing “the Commission believes that...”</p>

ITEM	PAGE NO	SECTION	OBSERVATIONS	RECOMMENDATIONS
16.	Page 41	Table 1 BHC-9	CFS Eureka to be replaced by DND Establishments	Recommend: Amending to: DND Establishment instead of CFS Eureka
17.	N/A	Table 3.3	Remove "CFS" Eureka and insert Fort Eureka (DND Accommodation building)	Recommend: In Table 1, page 41, item 203 should read “ Eureka ” and not ‘Canadian Forces Station Eureka’ as this site does not belong to DND. We only own a few structures on the site.
18.	N/A	Table 3.3	Remove "CFS" in front of Nanisivik and replace by Nanisivik Naval Facility	Recommend: In Table 1, page 41, item 204 should read “ Nanisivik Naval Facility ” and not Canadian Forces Station Nanisivik.

Section 5: Parks Canada

Parks Canada-specific comments on a first generation NLUP are presented below. They are meant as a follow-up to the broader Government of Canada comments submitted to NPC by AANDC April 2013. The comments below are not the result of a detailed review of NPC's 2011-12 DNLUP.

Legal Compliance

GoC Expectation: *The planning process and resulting DNLUP shall be compliant with the NLCA and NUPPAA.*

- Section 3.1 of the 2011/2012 DNLUP refers to existing parks as well as future parks and should clearly indicate under a subheading that the NLUP does not apply to or within Auyuittuq, Quttinirpaaq, and Sirmilik national parks of Canada (section 8.2.9 of the NLCA) nor within new national parks (for example, Ukkusiksalik, Qausuittuq/Bathurst Island) once established (section 8.2.10 of the NLCA) under the *Canada National Parks Act*.
- It should also be clearly stated that the NLUP will not apply to or within any NMCA once established (section 8.2.10 of the NLCA) or to National Historic Sites when administered by Parks Canada (section 9.3.5) although no National Historic Sites are administered by Parks Canada at the time of development of this DNLUP.

Policy Consistency

GoC Expectation: *the DNLUP must be consistent with federal department and agency mandates, authorities, commitments and policies, including international conventions and agreements.*

- The area east of the proposed Qausuittuq NP boundary (currently covered by a land withdrawal) should be protected from development as decided by the Senior MERA Committee in 2002 (moratorium on mineral exploration and development until the Peary caribou recover and/or their fate is otherwise determined.)
- The NLUP should not prevent advancing new Park or Conservation Area proposals within the Nunavut Settlement Area and Outer Land Fast Ice Zone, nor amendments to the boundaries of the currently proposed protected areas that are indicated in the land use plan, subject to meeting all relevant requirements set out in the *Nunavut Land Claims Agreement* and the *Nunavut Planning and Project Assessment Act* and

respecting relevant Government of Canada policies. (Comment made in GoC comments from September 2010)

- The NLUP should not prevent other planning processes including those for federal/territorial marine and terrestrial protected area networks, integrated management and establishing marine environmental quality standards. (Comment made in GoC comments from September 2010)

Parks and Conservation Areas (as defined in the NLCA, i.e., including national parks, national marine conservation areas and national historic sites) will be established in the future in areas of Nunavut that had not yet been precisely identified when this DNLUP was being developed.

In particular, the GoC has committed in its National Marine Conservation Areas System Plan to establish national marine conservation areas in all marine regions that are partly or entirely within the Nunavut Settlement Area. In addition to the Lancaster Sound region, areas of interest have been identified in all remaining marine regions within the NSA (Arctic Basin, Arctic Archipelago, Queen Maud Gulf, Baffin Island Shelf, Foxe Basin, Hudson Bay, James Bay and Hudson Strait). Preferred NMCA candidates have been confirmed in two of these marine regions (Hudson Bay and James Bay). Information on these future national marine conservation area proposals may only become available after the approval of a first generation NLUP. (Comment made in GoC comments from September 2010)

The GoC has also made commitments to establish national parks in natural regions within the Nunavut Settlement Areas that are not yet represented.

National historic sites can be found in almost any setting, from urban or industrial locales to wilderness environments. It is imperative that the land use plan recognizes the need for flexibility in incorporating National Historic Sites (NHS) in all zones and allowing for the preservation of their heritage value. Most national historic sites are relatively small in size, often commemorating a single structure, however, some sites, such as the Fall Caribou Crossing, may consist of large tracts of land.

Clarity and Conformity Determinations

GoC Expectations:

- ***The DNLUP must be clear and understandable to all users.***
- ***Conformity determinations are expected to be based on objective and clear conformity requirements.***

- As indicated in comments provided by PCA in the past along with other GoC comments, for proposed national parks that have a land withdrawal in place the *Territorial Lands Act* requirements should be respected in the definition of permitted/prohibited uses in the NLUP, i.e., the affected land requires special management consistent with the prevention of new third party interests in these lands, the affected land cannot be disposed by lease or licence of occupation; these areas also require special management to ensure that the cultural and ecological integrity and heritage values of future park resources are preserved.
- As indicated in comments provided by the GoC before, the NLUP should recognize/support interim protection of the area within the proposed Lancaster Sound NMCA boundary through a conformity requirement prohibiting the exploration for or development of petroleum resources within Canada's proposed NMCA boundary. Note that the proposed ECP-1 designation for the proposed NMCA would not be consistent with the *Canada National Marine Conservation Areas Act*, which allows marine navigation and fishing to continue within the conditions set out in a NMCA management plan and zoning. Therefore, ECP-1 as presently proposed is not an appropriate designation for Lancaster Sound within the DNLUP. The only outright prohibitions in NMCAs under the Act are mineral and petroleum exploration and development, and ocean dumping; the extent and nature of other uses will be set out in the Lancaster Sound NMCA zoning and management plan. ECP-2 as presently defined would appear to be a better designation.
- PCA has in the past discussed the idea with NPC of a “notification zone” around existing national parks, national marine conservation areas and national historic sites to inform PCA of proposed projects outside of these Parks and Conservation Areas that could affect them. It is not clear currently how this concept is being integrated in the DNLUP.
- The DNLUPs have not clearly addressed the following interests to date:
 - The NLUP should not prevent advancing new Park or Conservation Area (As defined in the NLCA, i.e., including national parks, national marine conservation areas and national historic sites) proposals within the Nunavut Settlement Area and Outer Land Fast Ice Zone, nor amendments to the boundaries of the currently proposed protected areas that are indicated in the land use plan, subject to meeting all relevant requirements set out in the NLCA and *NUPPAA* and to respecting relevant GoC policies. (Comment made in GoC comments from September 2010)

- The NLUP should not prevent other planning processes including federal/territorial marine and terrestrial protected area networks, integrated management and establishing marine environmental quality standards.
- National historic sites can be found in almost any setting, from urban or industrial locales to wilderness environments. It is imperative that the land use plan recognizes the need for flexibility in incorporating NHSs in all zones and allowing for the preservation of their heritage value. Most national historic sites are relatively small in size, often commemorating a single structure, however, some sites, such as the Fall Caribou Crossing, may consist of large tracts of land.

Clarity on how these interests will be met in the NLUP is important.

Updates on status of park establishment

- The national park proposed on Bathurst Island is now referred to as the proposed Qausuittuq National Park.
- Updated shapefile for boundaries of Ukkusiksalik NP: It will include the Inuit Owned Lands now known as RE-32 once the exchange process is fully completed. An Order in Council (PC2012-0786) was made in June 2012 to authorize the exchange; the last step with the Land Titles Office is waiting to be completed. (<http://www.pco-bcp.gc.ca/oic-ddc.asp?lang=eng&Page=secretariats&txtOICID=2012-786&txtFromDate=&txtToDate=&txtPrecis=&txtDepartment=&txtAct=&txtChapterNo=&txtChapterYear=&txtBillNo=&rdoComingIntoForce=&DoSearch=Search+%2F+List&viewattach=26211&blnDisplayFlg=1>). The shapefile will be provided to NPC shortly.

Additional Comment

The DNLUP does not identify polynyas either generally (except in the second bullet under “to achieve these Objectives...” on page 16, or by reference to particular ones requiring protection under the PSE designation (aside for the North Water Polynya and Belcher Island Polynyas, propose3d as key bird areas with PSE-3 zoning). This is in strong contrast to categories such as “key bird habitat sites” and “caribou habitat” that are afforded that recognition. Similarly, no reference is made to key marine mammal habitats akin to that made for key bird habitats. Several such areas are well known, such as Koluktoo Bay, Cunningham Inlet and Creswell Bay to name but three, although the last of these does have a PSE-3 designation that appears to be related to the bay being a key bird habitat. PCA suggests that NPC takes this information into consideration when making further land use decisions.