

<p>Comment from <i>Government of Canada Technical Priorities and Comments Draft Nunavut Land Use Plan Technical Submission-July 2013</i></p>	<p>NPC Response</p>
<p><b>Section 1 – AANDC</b></p>	
<p>The overall vision and purpose of the plan, as well as its intended effect, must be better defined</p>	<p>NPC agrees that a better defined and articulated “vision” be included in the revised DNLUP.</p> <p>NPC feels that any vision included in a NLUP must be the shared vision of all of NPC’s planning partners.</p> <p>As such, the NPC will wait to receive feedback from all its planning partners, including DIOs, government and communities, about what should be included in an NLUP and how the NLUP would be most effectively used. This will help better define the vision section contained in the NLUP.</p> <p>In the meantime, the NPC would encourage AANDC to provide, in any future, comprehensive submission, text that captures AANDC’s “vision” for the NLUP. It would be most beneficial to the NPC if the text provided was reflective not only of AANDC but, as the lead on the LUP file, all federal agencies and departments.</p>
<p>The methodology sections needs strengthening to assist comprehension of the plan. The following are some areas that should be discussed in the DNLUP;</p> <p>....Plans role in the integrated regulatory system</p>	<p>As you are aware, the NPC is soliciting comments on the implementation of the NLUP and its role in the integrated regulatory system as part of the development of the Working Together Document. Information that is included in the Working Together document will be used to further inform the NLUPs role in the integrated regulatory system.</p>

	<p>The NPC appreciates the comments provided by AANDC so far on the Working Together Document. The comments have proved very useful.</p> <p>NPC would encourage continued dialogue on the Working Together Document with AANDC. In particular, NPC would like a more informed discussion on how AANDC sees the role of the NLUP in informing all federal permitting and licensing processes.</p> <p>The NPC would be pleased to receive this information in a submission from AANDC; however, we would encourage continued dialogue through the continued development of the Working Together Document.</p>
<p>AANDC recommends simplifying land use designations as much as possible by reducing the variability within each designation. This could be achieved by regrouping of land use designations by their permitted and prohibited uses.</p> <p>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 associated terms and conditions</p>	<p>NPC would like to explore this further with AANDC and encourages further dialogue.</p> <p>The NPC will follow up with AANDC via email to suggest a time/times for further discussion.</p>
<p>This section should include proposed transportation corridors that are part of project proposals already put forward by proponents. These include:</p> <ul style="list-style-type: none"> <li>• the proposed 350 kilometre all weather access road and port for the Izok Corridor</li> <li>• project;</li> <li>• BIPAR’s proposed road corridor;</li> <li>• the Mary River railroad, as approved in the original Mary River project certificate;</li> </ul>	<p>Can AANDC clarify whether it is recommending these proposed transportation corridors should be assigned land use designations in the DNLUP similar to those already identified?</p>

<ul style="list-style-type: none"> <li>• the proposed winter road for the Back River gold project;</li> <li>• the previous extension of the Tibbitt-Contwoyto winter road into Nunavut to Lupin and Jericho;</li> <li>• the road option under consideration for the Kiggavik uranium project.</li> </ul> <p>AANDC suggest one way to represent the proposed transportation corridors on Schedule A would be to indicate the corridors using dashed lines</p>	<p>NPC acknowledges this as a reasonable way to deal with proposed Transportation Corridors.</p> <p>NPC requests confirmation from AANDC about this approach for existing (or future existing) corridors. If the corridors identified as “proposed” in the AANDC submission were to be developed in the future, should they remain dashed in the NLUP?</p>
<p>AANDC should have full access to Northern Contaminated Sites</p>	<p>The NPC would appreciate a coordinated response from DND and AANDC on what types of activities should be <i>prohibited</i> on all Northern Contaminated Sites and who should have access/jurisdiction over each site.</p>
<p>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.</p>	<p>The NPC would like clarity on what is meant by “open use of lands in Nunavut.” Does this apply to all lands in Nunavut or is it specific to NCSP sites?</p> <p>The NPC would request specific “cases” that would be considered appropriate for full access be identified in future submissions.</p>
<p>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.</p>	<p>It would be useful for AANDC to identify the sites it considers as “larger contaminated sites” that may be useful for inclusion in the revised DNLUP as well as list of potentially <i>prohibited</i> uses on or around these sites.</p>

<p>The NCSP does not see value in keeping records of identified potential contaminated sites. Furthermore, since the status of the sites changes on an annual basis, having it reflected in a future approved NLUP would make the plan outdated within a year of it coming into affect.</p>	<p>Please clarify if AANDC would prefer larger sites included, or no sites included.</p>
<p>...it should be made clear both in Sections 5.1.1 and Chapter 6: Mixed Use, that all areas outside community boundaries, parks, bird sanctuaries and critical wildlife habitat are open to exploration and potential resource development</p>	<p>Is this statement generally referring to Mixed Use areas being open for exploration and potential resource development, or is it suggesting specifically that areas outside community boundaries, parks, bird sanctuaries and critical wildlife habitat should be open for development (potential resource development should not be prohibited)?</p> <p>Further, could AANDC please define areas that are “critical wildlife areas”?</p>
<p>Figure 1: Draft Depiction of Nunavut Mineral Potential</p>	<p>NPC greatly appreciates this information and finds it very useful; however, it is noted that it is in draft and is provided in concept only.</p> <p>NPC would greatly appreciate that future submissions contain more definitive data and potential terms/prohibited uses in these areas.</p>
<p>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</p>	<p>The preferred approach for the NPC at this time is is to identify areas of importance, prohibit certain activities that could detract from the qualities or importance of the area and provide a recommendation to other regulators.</p> <p>NPC would appreciate discussing uses that may be inappropriate in areas with oil and gas potential (if any) and better defining</p>

used to optimise economic potential and conservation interests”	recommendations to other regulators.
<b>Section 2: Environment Canada</b>	
<p>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</p> <p>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).</p> <p>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.</p>	<p>The NPC would request that EC provide the location of the areas discussed in future submissions. A list of potentially prohibited activities/recommendations for these areas for the NPC’s consideration in the revised DNLUP would also be beneficial.</p>
<b>Section 3: Fisheries and Oceans Canada</b>	

<p><b>A. Exploratory/ Commercial Fisheries and Subsistence Fisheries</b></p> <p><b>Exploratory/ Commercial Fisheries</b></p> <p><b>Need for Additional Details on Permitted Activities</b></p> <p>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.</p> <p>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.</p>	<p>The DNLUP does not identify commercial fisheries to be a permitted use in the identified Atlantic Cod Lakes. However, if there is an existing exploratory licence, the use would likely be a legal non-conforming use discussed in Section 7.9 on the DNLUP.</p> <p>Yes, Tariujarusiq Lake is near Pangnirtung.</p> <p>Can DFO explain why commercial fisheries are an appropriate use in these small lakes if the Atlantic Cod in them are being considered for listing under the Species at Risk Act?</p>
<p>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</p>	<p>Can DFO confirm that it considers commercial fishing to be an appropriate use of the area?</p>

<p>“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 <i>Canada National Parks Act</i>. 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.</p>	
<p><b>Commercial/Exploratory and Subsistence Fisheries Should Be Given Land Use Designations</b>  DFO strongly suggests that commercial/exploratory and important subsistence fisheries are given land use designations. [detailed list also included] While the designations of commercial and subsistence fishing areas may overlap, it is recommended that important subsistence char fishing areas be explicitly protected.</p>	<p>Can DFO provide advice on how a land use designation could protect commercial/exploratory/subsistence fishing areas? Are there particular uses that should be prohibited?</p> <p>It should also be noted that commercial fisheries would be a permitted use in all Mixed Use areas of the DNLUP.</p>
<p>DFO strongly suggests protecting the following commercial fishing areas through a land use designation:  <b>The Schedule V of the Northwest Territories Fishery Regulations list of water bodies that can be fished for commercial purposes in Nunavut</b></p>	<p>There are several hundred water bodies identified in the regulations. Can DFO provide a shapefile identifying these water bodies?</p>
<p><b>Application of Plan to National Marine Conservation Areas (NMCAs)</b>  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</p>	<p>To clarify, the plan will apply to “Conservation Areas” as defined under Article 9 of the NLCA (this list does not include NMCAs). NUPPAA clarifies that the plan will not apply to established NMCAs.</p>

<p>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.</p>	
<p><b>E. Data Layers and Shape Files</b>  DFO suggests including the following DFO data layers into the draft NLUP:</p> <ul style="list-style-type: none"> <li>• Land locked Cod Lakes;</li> <li>• Arctic Ecologically and Biologically Significant Areas (EBSAs);</li> <li>• Arctic Marine Workshop, Areas of High Biological Importance (HBI);</li> <li>• Traditional Knowledge; and</li> <li>• Foxe Basin Area of Interest</li> </ul>	<p>It would be beneficial if DFO could advise the Commission on how these areas may need to be managed.</p>
<p><b>Section 4: National Defence and Canadian Forces</b></p>	
<p>ITEM 11.  4.4.2 Last Paragraph  Sentence should be reworded so that it does not indicate DND directly requested the 300m set back.  <b>Recommended:</b>  "A 300m setback will be applied to areas under the administrative</p>	<p>Can DND clarify which sentence needs rewording?</p>

<p>control of the Department of National Defence."</p>	
<p><b>Section 5: Parks Canada</b></p>	
<p>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 <i>Nunavut Land Claims Agreement</i> and the <i>Nunavut Planning and Project Assessment Act</i> and respecting relevant Government of Canada policies.</p>	<p>NPC would request that Parks Canada Agency provide confirmation that it does not want the establishment of Parks or Conservation Areas or National Historic Sites prohibited anywhere in the NSA, including areas where there is known potential for and/or existing resource development in the NSA.</p> <p>NPC would request that Parks Canada Agency provide confirmation on what it considers a "Conservation Area."</p>
<p>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.</p>	<p>NPC would like clarification and further information on the proposed "notification zone". Can PCA confirm that the proposed "notification zone" would not involve any terms/prohibited uses that should be included in the plan? Also, an extent of 50 km was discussed for National Parks, but nothing was discussed for NMCA's or NHS's.</p>
<p>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, proposed 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</p>	<p>NPC would request that in future submissions, these areas be delineated, discussed in more detail as to their particular importance and that potential management terms and/or prohibited uses that may be acceptable be identified for the areas.</p>

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.