

**REVIEW OF
THE 2011-2012
DRAFT NUNAVUT LAND USE PLAN**

Prepared By:



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INTRODUCTION

This report documents a review of the 2011-2012 Draft Nunavut Land Use Plan (DNLUP). The purpose of this review was to provide feedback to the Nunavut Planning Commission (NPC) on the DNLUP. As part of this review the following documents were reviewed:

- 1) Draft Nunavut Land Use Plan, December, 2010,
- 2) 2011-2012 Draft Nunavut Land Use Plan, March – 2012,
- 3) Keewatin Regional Land Use Plan 2000,
- 4) Nunavut Land Claim Agreement,
- 5) Nunavut Planning and Project Assessment Act,
- 6) Bill C-25,
- 7) Background Report on the Sahtu Land Use Plan, July - 2010,
- 8) Gwich'in Land Use Plan, October - 2011, and
- 9) Independent Review of the DNLUP, Dillon Consulting, June, 2012.
- 10) Draft Nunavut Caribou Management Strategy Framework, March – 2010.

The KIA, represents the Inuit beneficiaries of the Kivalliq Region, at the territorial and regional levels, and supports sustainable economic development opportunities for Inuit beneficiaries.

The review was completed by the KIA's the Lands Department and our consultants for specific aspect of the NLUP

GENERAL COMMENTS

Overall the 2011-2012 draft Nunavut Land Use Plan (NLUP) is a reasonable attempt by the Nunavut Planning Commission (NPC) at creating a territory wide land use plan. NPC is in a somewhat difficult position given that under the Nunavut Planning and Project Assessment Act (NUPPAA), the Government of Canada (GoC), Government of Nunavut (GN) and Nunavut Tunngavik Incorporated (NTI) are the decision makers on whether or not the NLUP plan is approved.

It would seem appropriate for each of these groups to formally summarize their expectations into a succinct document which NPC could use as a starting point for defining the key issues related to land use in Nunavut at both the territory wide, regional and community levels. The main areas of jurisdictional overlaps at each of these levels should also be defined. In addition, there needs to be an atmosphere of “open and transparent” dissemination of information at all levels in each organization involved.

The overall goal of the NPC should be to create an umbrella LUP for Nunavut that helps form the basis for raising the standard of living for Nunavummiut. But most important it is necessary that all the organizations involved recognize that the “clients” for the final NLUP are the Nunavummiut. A key goal of this should be to raise the standard of living for the people of Nunavummiut.

REVIEW SUMMARY

For this submission, the comments summarized below represent the main themes defined by the review of the ten documents noted in the introduction above.

(A) Key Jurisdictional Issue

Prior to proceeding with any of the following options it should be determined by legal opinion if section 46 (2) of the NUPPAA prohibits a planning hierarchy that includes territory-wide, regional and sub-regional plans. If it is determined that this section prohibits a planning hierarchy then all the organizations involved should consider agreeing to amend section 46 (2) of the NUPPAA to allow a planning hierarchy.

(B) Land Use Planning Options

The options for Nunavut-wide land use planning include:

- 1) one territorial plan,
- 2) a territorial plan with regional chapters, or
- 3) regional plans that are integrated into one overarching territorial plan.

The size of Nunavut with its wide range of socio-cultural, economic and ecological factors makes a “one size fits all” land use plan that could effectively deal with the management and issues at the community and regional scale of land use extremely difficult. Therefore, it would seem most efficient to have the current regional plans integrated into one overarching territorial plan. The benefit of this approach would allow the NLUP to address issues that affect all regions of Nunavut, such as socio-cultural and economic, in a succinct and efficient manner. For example, managements of development impacts outside protected areas; how restrictive the land use regulations and rules are in regard to permitted and prohibited land uses; and trans-boundary effects.

The regional plans, such as the Keewatin Regional Land Use Plan (KRLUP), should be updated and continue to deal with the regional land use issues and management and any issues at these levels. This would continue to use the local expertise that exists at the community (i.e. HTO) to regional levels (i.e. DIO) to ensure that the land use plans reflect the priorities and values of each community and region. The regional plans would be much more detailed than the territory-wide plan. Possible examples of the detail required would be the Sahtu and Gwich'in land use plans, which cover off the society, culture, biophysical environment, economic development and natural resources.

This approach would also be a very cost effective and efficient way to proceed as it would build on the current expertise available, as well as the existing IQ and scientific data available. These DIO's have the detailed information related to regional renewable and non-renewable resources, demographic trends, economic opportunities, etc., as well as, working relationships with the local community organizations.

Overall, in order for a Nunavut-wide land use plan to succeed NPC would need to concentrate on issues that affect the territory as a whole, which would require that the current regional level land use organizations maintain a prominent role.

(C) Key Issues in the NLUP

An overall goal should be to improve the efficiency and certainty in project review and regulatory processes by resolving potential land use conflicts, which the current plan does not appear to address.

A major issue with the NLUP is related to predicting future resource values and land use patterns. The best example of this in Nunavut is mineral exploration and mining because predicting mineral potential can be very difficult because the exact location of economic mineral deposits requires a significant amount of mineral exploration, in particular drilling. In addition, the impacts and associated infrastructure can vary significantly from project to project. Since mineral exploration is undertaken by the private sector a high level of certainty is required that economic mineral discoveries can be taken to a producing mine in order for the private sector to commit to the up-front investment that mineral exploration and mine development requires. This creates a significant challenge for land use planning in Nunavut given that mineral exploration and mining are very important land use and economic drivers. Therefore, it is important that certainty and flexibility be a large part of any land use planning in Nunavut versus setting aside large areas for conservation, or no development allowed.

Given that mineral exploration and caribou herds both require large areas of land in order to function there is potential for land use conflict. Based on this potential conflict the following questions can be raised that the NLUP would be required to address:

- 1) Are there specific geographic areas or caribou herds that require special management?
- 2) What is the purpose of special management?
- 3) Identify the location(s) and/or time of year where the special management should apply?
- 4) What criteria, beyond the existing regulatory and management processes, would be required to manage land use to maintain the calving grounds or herds?

Other areas that the NLUP needs to address are related to the map entitled Land Use Designations in Schedule A. The following issues are outlined:

- 1) There is overlap between one of more of the five land use designations. How these overlaps will be dealt with needs to be explained.
- 2) The overall balance between strict conservation areas, special management areas and the mixed use areas must be explained, in particular how economic development will be impacted. (in this specific item you need a good base line information).
- 3) Community land use and drinking water supplies need to be better defined.
- 4) Key Bird habitat areas need to be better defined.

(D) Recommendations

Given that importance of both mineral exploration and mining, as economic drivers, and caribou, as a traditional food source, it will be very important for the NLUP *through the regional organizations to address the potential conflict between these two land uses*. The following list of actions were summarized from the Draft Nunavut Caribou Management Strategy Framework, March – 2010 (NCMF). This is a substantial list of actions from section 3.1 and 3.2 (pp. 14 to 17), all of which require additional research:

- 1) The caribou calving grounds need to be spatially identified.
- 2) The historic caribou water crossings need to be spatially identified.
- 3) The historic areas for caribou herds need to be spatially identified.
- 4) A better understanding of the distribution of sensitive habitat.
- 5) Studying the interactions between existing human activities and caribou in order to explore the connection between caribou persistence and industrial development over short and long-term temporal scales and over fine and coarse spatial scales
- 6) Determine the effectiveness of protection and mitigation measures.

Based on the above list of actions there are significant gaps in the knowledge base related to caribou and a significant amount of work remains to be done to develop the types of information, policies and management tools that could be incorporated into a land use plan to provide more specific guidance and direction on land use in caribou calving grounds. These gaps can be addressed through the following:

- 1) Work with industry to integrate short term, local monitoring and mitigation into long-term, herd-level research programs with the goal of supporting future sustainable development and the management of caribou.
- 2) Working with other governments, co-management partners and other stakeholders, to develop caribou protection and mitigation measures to manage human activities in sensitive habitat.
- 3) Utilize the results of new research to update caribou protection and mitigation measures.
- 4) Develop and test new and flexible management tools, including mobile protection measures based on satellite telemetry (i.e. Short term area closures when caribou are in the vicinity).
- 5) Place a priority on research in areas of habitat that are of mutual interest with respect to caribou and resource potential.
- 6) Research and monitoring through the Nunavut monitoring Program.
- 7) Use of Inuit Qaujimajatuqangit (IQ), which also provides a core and essential foundation for land use planning in Nunavut, in addition to allowing for the use of Inuktitut and Inuinnaqtun in the land use planning process.
- 8) Collation of the IQ and scientific data from existing Project Environmental Impact Statements (EIS) in the regions of Nunavut.
- 9) Collection of baseline data related to caribou by the Inuit communities, government and all other stakeholders.

Collation and use of Environmental Impact Statements and other environmental assessments could assist greatly with identifying the potential land use issues at the community to regional level. Similarities in the land use issues between regions could be used to help define territory-wide issues. Each region has several of these, in particular related to past, present or planned mining projects and the military installations associated with the DEW line stations.

It would also seem appropriate for the Government of Canada (GoC), Government of Nunavut (GN) and Nunavut Tunngavik Incorporated (NTI), as the final decision makers on the NLUP, to formally summarize their expectations for the NLUP into succinct documents. NPC could use these as a starting point for defining the key issues related to land use in Nunavut at both the territory wide, regional and community levels. The main areas of jurisdictional overlaps at each of these levels should also be defined. In addition, there needs to be an atmosphere of “open and transparent” dissemination of information at all levels in each organization involved.

(E) Conclusions

The most suitable approach for the NLUP would be to have the current regional plans integrated into one overarching territorial plan. The benefit of this approach would allow the NLUP to address issues that affect all regions of Nunavut, such as socio-cultural and economic, in an efficient and cost effective manner.

The regional plans, such as the Keewatin Regional Land Use Plan (KRLUP), should be updated and continue to deal with the regional land use issues and management and any issues at these levels. This would continue to use the local expertise that exists at the community (i.e. HTO) to regional levels (i.e. DIO) to ensure that the land use plans reflect the priorities and values of each community and region. The regional plans would be much more detailed than the territory-wide plan.

The basis for the NLUP should be to promote the existing and future well-being of Nunavummiut. A large aspect of achieving this goal is thought promoting responsible and well thought-out economic development. Mineral exploration and mining from a large part of the economic development but given that mineral exploration and caribou herds both require large areas of land in order to functions these two land use activities can sometimes come into conflict.

Based on AANDC’s Regulatory Road Map to Mineral Exploration and Development in the NWT approximately 3% of an area covered by a prospecting permit will be staked as a mineral claim and of the claims that last longer than 5 years, only 1% go to mining lease (page 102, document 7). AANDC tracked 2400 exploration projects during 1971-2007 in the NWT. Four mines resulted from these projects and approximately 40 projects remain in the “advanced exploration stage, which means that extensive surface drilling or underground exploration has occurred. The overall conclusion of the AANDC study over

this 36 year period is that the actual land utilized for advanced stage projects to actual mines is very small (Table 1).

There needs to a detailed plan put together by the NPC which defines what key deliverables for the final NLUP. The following is a suggested list:

- 1) Complete a comprehensive background technical report which should be generated from the various information and data reports / documents.
- 2) Complete a comprehensive report on generate from the records of communication.
- 3) Complete a comprehensive record of public consultation.
- 4) Build a GIS data base from the data reports / documents that is fully accessible by the public.
- 5) Complete a GAP analysis on the technical and jurisdictional data to help structure the way forward to a NLUP with the goal of a revised NLUP.
- 6) There should be a structured process for specific expectations from the GN, GoC and NTI incorporated into the GAP analysis.
- 7) Public consultation once the GAP analysis is completed.

A budget, schedule and capacity assessment of the technical, writing and analytical skills required for the NPC team should be completed once the above detailed plan is built. There are substantial skills in the GOC, GN, NTI and Private Sector which should be drawn on as required.

Table 1: Area Covered by Nunavut and Northwest Territories Mines and Communities

Community or Mine Site	Area Covered in Square Kilometers*
Yellowknife	102.38
Hay River	132.58
Rankin Inlet	120.24
Meadowbank Gold Mine	69.19
Ekati Diamond Mine	19.50
Diavik Diamond Mine	7.0
West Edmonton Mall	0.49

*1 square kilometer equals 241.11 acres or 100 hectares