

# Nunavut Planning Commission Update: Fall 2014 Speaking Notes

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## 1. Overview

It has been another busy year at the Nunavut Planning Commission (NPC) where we continued to focus on the development of the Draft Nunavut Land Use Plan. I am here today to provide an update on the Commission's activities over the past year, including:

- Consultations on the Draft Nunavut Land Use Plan
- Release of an updated Draft Plan
- Public hearing on the Draft Plan and funding issues
- Land Use Plan implementation
- The Nunavut General Monitoring Plan
- The Nunavut Marine Council
- Development of an online land use plan implementation tool

## 2. Nunavut Planning Commission

The Nunavut Land Claims Agreement (NLCA) provides many benefits to the Inuit of the Nunavut Settlement Area (NSA) including a unique integrated co-management regulatory system. Co-management provides residents with opportunities to participate in regulatory decision making associated with resource use and development.

NLCA Article 11, Land Use Planning requires the NPC to develop land use plans that guide and direct resource use and development in the NSA. Land use plans must reflect the values and priorities of residents and provide for their existing and future well-being. Plans can manage or prohibit land use from occurring in areas that are important to Inuit. For instance, an approved land use plan can protect areas Inuit rely on for hunting. This is an important component of the co-management regulatory system in Nunavut which remains incomplete.

The NPC is the “gatekeeper” of the regulatory system in the NSA. Proponents wishing to carry out activities in the NSA must first submit a proposal to the NPC to determine if the activity conforms to the requirements of an approved plan. We call this process a “conformity determination”. If the proposed land use is supported by the plan, it may then be considered by other regulatory authorities.

For clarity, land use plans prepared by the NPC do not apply to traditional Inuit land use activities such as hunting, fishing, and camping. Also, most municipal activities are not subject to the Commission’s land use plans. Within municipal boundaries, our land use plans only apply to certain activities, such as industrial uses, the deposit of waste, or the bulk storage of fuel.

### **3. Consultations on the Draft Nunavut Land Use Plan**

The Draft Nunavut Land Use Plan, first made public on September 7, 2012, has undergone a national consultation that included engaging over 30 communities in Nunavut, Nunavik, Northern Saskatchewan and Manitoba, numerous Territorial and Federal Government Departments, Inuit organizations, environmental non-government organizations, and industry.

The public consultation phase of the planning process included meetings with elected officials in each community and public workshops where the content of the Draft Plan was reviewed and the priorities and values of residents were recorded. Thousands of areas that are important to Inuit were recorded during the unprecedented consultation. Each area is mapped and available in individual community reports located on the NPC website, [www.nunavut.ca](http://www.nunavut.ca)

There were also many written comments on the Draft Plan. The Commission has taken all of the feedback that was received into account when considering revisions to the Draft Plan.

## **4. Updated Draft Plan**

On June 20, 2014 the NPC released an updated version of the Draft Nunavut Land Use Plan that reflects the input that was provided during the 2 year public consultation period. The Draft Plan is supported by an Options and Recommendations document that outlines the information that was considered in the decision making process. The draft Plan can be downloaded at [nunavut.ca](http://nunavut.ca), along with supporting documents and the comments that have been received.

## **5. (Continued) Updated Draft Plan**

The previous draft contained information on important areas such as key migratory bird habitat, community drinking water supplies, proposed parks, and conservation areas. Through the consultation process, the Commission received feedback on how the previous draft managed these areas. Based on this feedback, many of the management techniques in the Draft Plan have been simplified and improved.

## **6. (Continued) Updated Draft Plan**

The Commission also received information on additional important areas that should be considered. For example, many participants identified the importance of caribou and the need for protecting caribou calving and post-calving areas. The Commission also received information regarding areas of high mineral potential. This information allowed the Commission to make several key updates to the plan. For mainland caribou herds, the updated Draft Plan prohibits incompatible uses in calving and post-calving grounds that have not been identified for high mineral potential. In caribou calving and post-calving areas with high mineral potential, direction is given to regulatory authorities to mitigate impacts on these areas.

The community priorities and values that were recorded during workshops have been considered in all decisions, and have been incorporated into the updated Draft Plan as Direction to Regulatory Authorities. This will require proponents and regulatory authorities to consider community priorities and values early in the regulatory review process.

As mentioned earlier, the Commission's land use plans have limited application within municipal boundaries, which are already subject to municipal land use plans. Having two land use plans apply to the same area can cause some difficulties that were noted during the consultation process. To address these concerns, the Draft Plan has been updated so that all uses would conform within municipal boundaries. This would allow each municipality to manage land use according to their own land use plan. However, the important issues that have been identified within municipal boundaries, including community priorities and values, would still be included in the Commission's determination. This would guide municipalities and other regulatory authorities in their review of project proposals.

## **7. Public Hearing**

The Draft Plan has been updated to reflect years of consultation, but the document is still not complete. A final public hearing on the Draft Plan is now required before it can be submitted to the Government of Canada and the Government of Nunavut for approval as outlined in the NLCA. The public hearing will be an opportunity for everyone to provide oral feedback and written submissions on the Draft Plan in a public setting in accordance with the requirements of the NLCA. The Commission intends to fly 5 participants from each community to Iqaluit for one comprehensive public hearing.

Because the Government of Canada is responsible for funding the planning process, NPC staff has been in discussions with Aboriginal Affairs and Northern Development Canada (AANDC) officials regarding the need to fund this public hearing. Following over one year of discussions, AANDC officials stopped providing any meaningful responses to NPC enquiries. As a result, the NPC has taken legal action and the public hearing has been cancelled until funding is provided. The Commission remains committed to working to secure the required funding and ensuring all voices are heard in the public process.

## **8. Land Use Plan Implementation**

In addition to our activities related to the Draft Nunavut Land Use Plan, the Commission continues to implement two approved land use plans: the North Baffin Regional Land Use Plan and the Keewatin Regional Land Use Plan. Commission staff regularly conduct conformity determinations to review whether project proposals conform to the requirements of these plans, and forward the results to proponents and regulatory authorities.

In addition to conducting conformity determinations, the Commission recently completed a public review of a proposed amendment to the North Baffin Regional Land Use Plan regarding a transportation corridor associated with the Mary River iron mine. The review included meetings in all 5 North Baffin communities in January 2014. Following the public review, the proposed amendment was submitted to government and approved in May 2014.

## **9. Nunavut General Monitoring Plan**

I would also like to provide a brief update on a few of the Commission's activities outside of our core responsibility to develop and implement land use plans.

The Nunavut General Monitoring Plan (NGMP) is a requirement of the NLCA to collect and analyse information on the long term state and health of Nunavut's environment, people, communities, and economy. The Commission is a member of the NGMP Steering Committee, along with the Government of Canada, the Government of Nunavut and NTI. Additional information can be found on the NGMP's website at [ngmp.ca](http://ngmp.ca).

Part of the Commission's role is to review research funding proposals to assess how the proposals can inform our land use planning decisions. In the past few years we have supported a wide range of research projects important to Nunavummiut including studies on caribou and commercial fisheries, as well as information management projects from the Nunavut Impact Review Board (NIRB) and Kivalliq Inuit Association that will enhance the regulatory process.

The Commission also recently supported a study on oil spill detection and modelling in the Hudson and Davis Straits in response to concerns voiced by residents during our community consultations.

Monitoring and research will always be needed to support land use planning decisions, and the updated Draft Plan includes a list of research priorities that the Commission will continue to encourage.

## **10. Nunavut Marine Council**

The Commission is also an active participant on the Nunavut Marine Council (NMC). In recognition of the importance of marine areas to Inuit, the NMC provides a mechanism for the NIRB, Nunavut Water Board (NWB), NPC and Nunavut Wildlife Management Board (NWMB) to make recommendations to other government agencies regarding marine areas.

In May 2014, the NMC wrote to the National Energy Board (NEB) regarding seismic testing in Baffin Bay and Davis Strait. The NMC recommended that the National Energy Board await the results of an ongoing Strategic Environmental Assessment for Baffin Bay and Davis Strait prior to the issuance of regulatory decisions in respect of seismic surveys, oil and gas exploration and development in areas of critical importance to the well-being of Nunavummiut and other Canadians. Despite this recommendation and the concerns of communities, the NEB approved the 5-year seismic survey on June 26, 2014.

The Commission continues to work with all of our partners on issues of importance in the marine environment.

## **11. Online Plan Implementation Tool**

The Commission is currently developing a web-based land use plan implementation tool that will help facilitate our day-to-day operations, including how we receive project proposal applications, and conduct conformity determinations. This will support the timely and comprehensive review of project proposals against the requirements of the land use plan. The Land Use Plan Implementation Tool will:

- Enable proponents to submit project applications along with all necessary information and documentation including spatial locations. Proponents will be able track the progress of their project application at any time.
- Enable NPC to conduct a review and approval process, track progress and notify relevant parties about the current status of the project application. All information will be tracked by the system and relevant spatial and non-spatial information published to a Public Registry.
- Provide the public with the ability to search and view details about proposed and approved projects in Nunavut through a search engine and an interactive Geographic Information System (GIS) map.
- Include the spatial priorities and values that were recorded during community visits, which will be used to inform proponents and regulatory authorities of areas important to communities.

The system is being designed in a similar fashion to those being developed by the NIRB and NWB, which will result in further consistency and coordination between the IPGs during the review of project proposals.

## **12. Questions**

Thank you very much for your time. This concludes my update on the Commission's activities over the last year. I would be happy to answer any questions you may have.