NWT & NUNAVUT CHAMBER OF MINES

Submission to Draft Nunavut Land Use Plan

Technical Meeting

June 23 – 26, 2015

Iqaluit, Nunavut

Document, Section and/or page #	Geographic Location / ID# (if applicable)	Comment
Definitions and Chapter 1 NLUP & ORD		"Broad Planning Policies, Objectives and Goals". This should be defined by a specific document with date. It is assumed this is the 2007 dated document.
	Definitions	"Commission" defined but not "NPC". Inconsistent use throughout the document. "Proponent" needs to move to next line. "Transportation Infrastructure" is not currently defined. It should be defined broadly within the Plan to include seasonal and all weather roads, ports, airstrips, railways and any other facilities designed to support the movement of persons or goods.
	Section 1.2 The Nunavut Settlement Area	This section should acknowledge the mineral exploration and development industry, which is the driver of private investment in the territory. There are currently two operating mines and many advanced exploration projects. The Chamber's concern is that this summary does not give full acknowledgment of these activities, other than to say that there is "limited development in comparison to other jurisdictions", and that there is "great potential for further growth".
	Section 1.3	Similar to Goal 4, the subheading of Goal 5 should be included in the Plan: "Provide for a Range of Economic Opportunities such as Renewable Resources, Tourism, Energy, Mineral and Petroleum sectors."
	Section 1.4.2, Consultation p.16	In relation to food security, the Chamber notes that responsible economic development is also an important tool in reducing poverty, increasing self reliance of residents, and increasing the standard of living and overall well being of residents.
	Section 1.4.3 Decision Making	With respect to the following passage: "*Where existing uses are legally operating in sensitive habitat these uses will be considered to conform to the Plan but will not be allowed to expand further into the sensitive habitat. Existing rights are also protected by law outside of the land use plan. In addition, accessory uses are considered to conform to the Plan, but must be authorized through the regulatory review of the Project Proposal*." All projects which have commenced the regulatory approval process or granted permits prior to the date of the NLUP

		should be grandparented under the plan, and this grandparenting should extend as long as the permits are in effect (including renewals), regardless of whether they are in operation or not. This section should be amended to clarify that all projects within this category would conform to the plan. The statement that they "will not be allowed to expand further into the sensitive habitat" should be removed as it is possible that plan amendments could be granted in future which would permit expansion. Accessory uses should be capitalized as it is a defined term. Where restrictions are proposed over areas subject to existing mineral claims, what mechanism does NPC propose to financially compensate holders of existing rights should the new restrictions restrict or prohibit their ability to explore or develop their existing claims?
	Section 1.4.5	If there is future potential for restricted uses in polynyas industry believes these should be based on research. As such this may be an appropriate candidate for this list.
	Section 1.5.4	The Chamber's comments on the following definitions are intended to enhance clarity. "*Priorities and Values: identify priorities and values of residents that need to be considered in the design, review, and conduct of the activity. Priorities and Values can apply to all Land Use Designations*." Further clarity on the role of priorities and values tables would be helpful. It appears that Priorities and Values are to be considered by project proponents, but that these do not have any role in terms of conformity determinations. Can NPC confirm this interpretation is correct? "*Protected Areas prohibit specified land uses that are incompatible with environmental and cultural values and may identify Terms to guide land use and/or direction to regulatory authorities*."– Suggest add word "specified" to this definition to enhance clarity. All prohibited land uses in Protected Areas should be specifically listed. Our understanding is that all uses other than those specifically listed would be permitted within these areas. Can NPC confirm this interpretation is correct? "*Special Management Areas may restrict access to some specified uses or prohibits incompatible specified uses and may identify Terms to guide land use and/or direction to regulatory authorities. Compared to Protected Areas, SMAs provide more flexible management of areas of environmental or cultural importance. SMAs also provide management for areas of economic potential as well as areas with existing land uses*." As above, we suggest including the word "specified" in this section. All restricted land uses and prohibited land uses should be specifically listed. Our understanding is that all uses other than those specifically listed would be permitted within these areas. Can NPC confirm this interpretation is correct?
	Section 1.5.5	In this section, which includes steps to be followed in using the plan, for clarity the DNLUP should state the purpose of

		each step. For example: Step 1: Determine Land Use Designation for Project Proposal location (for purpose of determining conformity) Step 2: Determine if proposed use is prohibited under applicable Land Use Designation (for purpose of determining conformity) Step 3: Determine if any Terms apply to location of Project Proposal (for purpose of proceeding with activity or proceeding to regulatory stage) Step 4: Determine the priorities and values that have bene identified (for purpose of proceeding with activity or proceeding to regulatory stage)
Chapter 2 NLUP & ORD and Maps 1 - 58	Section 2.1.1 Key Migratory Bird Habitat Sites	As a general comment, mandatory setbacks may not be appropriate. Rather, the direction in the plan could be to require regulatory authorities to have regard to the setbacks set out in the Plan. While it is helpful to have guidance on potential setback distances, appropriate setback distances for the circumstances should ultimately be determined on a case by case basis.
	Section 2.1.2 Caribou Habitat	With careful planning mineral exploration and development projects (and related activities such as all weather roads) can operate within these areas in a way that does not adversely impact caribou, and that the NIRB process has been successful in implementing measures which ensure that this vital resource is protected while allowing industry to proceed. We do not believe that mineral exploration and development should be prohibited outright within areas of importance to caribou, but instead, that these areas should be identified within the land use plan for consideration at the NIRB regulatory stage. This would provide an opportunity to evaluate the effectiveness of proposed mitigations, timing windows and to evaluate the most up-to-date data on caribou populations and habitat use. The Chamber understands the importance of a united effort among various partners and stakeholders; including the Nunavummiut people, wildlife management authorities, land use planning authorities, environmental assessment authorities and industry to manage caribou and ensure their long term sustainability. Being able to ensure that caribou herds remain abundant and capable of supporting both Nunavummiut harvesting and coexisting alongside responsible land development is of the utmost importance. We believe that how this vision is implemented will dramatically affect the promising Nunavut mineral industry. In order to successfully manage caribou populations in Nunavut, it will require the help of all interested parties. The flow of communication between those parties is equally important. The Chamber supports the objective of decision makers and regulators working together to provide a co-ordinated and consistent approach to caribou management in Nunavut.

		With respect to the collection of information for baseline studies and impact assessments, this information is very important for industry members. The compilation of important data in a manner suitable and *accessible* to all interested parties is vital in order for industry to be able to continually adapt its on-site monitoring and mitigation initiatives. It is the Chamber's view that existing data suggests not all caribou habitat is equally sensitive and areas which are especially sensitive, such as calving and post-calving areas can move over time due to many factors which are not fully understood. This creates a potential uncertainty problem for land users if development is to be restricted in calving or post-calving areas. The Chamber suggests that NPC consult with proponents and industry to ensure that no new measures brought in by the land use plan will overlap with any burden already placed on land users through various permits. The Chamber suggests that adequately-resourced programmes and enforcement measures envisioned include open-door communication with industry proponents to ensure explanations and advice are provided. This will enable proponents to meet new or untested conditions in cost-effective, practical ways, and ensure that industry consultation precedes implementation of new mechanisms and new or untested conditions. The Chamber recognizes the importance of healthy and abundant caribou herds to the Nunavummiut and their communities. We remain committed to working with communities to ensure the long term viability of caribou herds which exist in tandem with a sustainable development industry.
	Section 2.1.5.1 EBSAs	Current draft identifies Ecologically and Biologically Significant Areas for Marine areas of NSA. The Chamber questions the utility of designating these areas given the current limitations acknowledged in the Plan. Perhaps these areas are better referenced in a "potential areas of focus for the next update of this plan" section, rather than including a specific designation at this time.
	Section 2.3 Climate Change	" *The Commission's Objective is to:* •*control and minimize greenhouse gas emissions, monitor climate change impact, encourage the development and adoption of adaptation strategies, and consider issues relating to changes in the landscapes due to climate change, such as the loss of glaciated terrain and permanent snow.* *The Commission considers climate change to be an important issue in the NSA. Changing ice conditions may have an impact on residents' use of the land, and many wildlife populations can be affected by changes to the unique habitat that they rely on. Transportation and infrastructure are also susceptible to impacts from changing ice and permafrost conditions. Direction is given to regulatory authorities to address the Commission's objectives on climate change during*

		the review of Project Proposals." The Chamber suggests that this direction should be for regulatory authorities to generally consider the matter of climate change during the environmental assessment and permitting stage. Climate change is an international-level issue and related issues are managed by the larger projects in respect of emissions control and taking climate change factors into account when engineering the project. It would not be appropriate for exploration projects to implement such measures. For some projects, it would not make sense to require the proponent to "*consider issues relating to changes in the landscapes due to climate change, such as the loss of glaciated terrain and permanent snow".* Any requirement at the project level to "monitor climate change impact" would not be practicable.
Chapter 3 NLUP & ORD and Maps 59 - 107	Section 3.1 Schedule A – Table 1	As understood by the Chamber, there are 18 National Wildlife Areas and Bird Sanctuaries in Nunavut. In 2010 there were 16 and they covered just over 10% of the territory. There are four National Parks in Nunavut and together they cover approximately 0.5% of the territory. There are also 15 Territorial parks in Nunavut. Page 28 indicates that there are "12 Candidate Territorial Parks awaiting full establishment in Nunavut". The Chamber would like clarification on the actual number of Territorial Parks. We also suggest Territorial Parks be listed in the Tables in a similar fashion to "Historical Sites" or "Key Bird Habitat Site" e.g. "Territorial Park – Sylvia Grinnell". This would make the list of Territorial Parks easier to identify. In its June 20, 2014 response to the Chamber' original DNLUP submission of June 6, 2014, the NPC stated: "*80% of the NSA remains open to mining exploration and development. Nearly 6% of the NSA is exclusively for mineral exploration and development. The Plan does contain15% protected area where mining is prohibited. These include core caribou calving and post calving areas, unique habitat for polar bear, walrus, whales and seals."* The Chamber would like clarification as to what categories the 15% protected area comprises. Perhaps the designation information could be shown in two columns; one for exploration activity and the other for prohibited areas, with proper percentages reflected. We request NPC confirm our understanding mineral exploration and development is permitted within Heritage Rivers, as this activity is not listed as a prohibited or restricted activity in these areas.
	Section 3.1.1.1 Parks Awaiting Full Establishment	The Plan indicates that National and Territorial parks awaiting full establishment are assigned a Protected Area Land Use Designation. Is this the level of protection that is expected after these areas are designated, or does applicable legislation permit some mixed use? The NPC should consider whether it is more appropriate to designate some of these areas in a way that is consistent with the level of protection that is expected after the park is established.

	Section 3.1.1.3 National Marine Conservation Areas – Lancaster Sound Table 1, Section 61	Lancaster Sound is a critical marine transportation corridor in support of development in Nunavut. Lancaster Sound is the marine gateway to the Canadian Northwest Passage, through which vessels to support the growing northern minerals industry and other commercial interests must travel. Lancaster Sound itself has tremendous resource potential; a study by Natural Resources Canada states that *large petroleum fields the size of Hibernia could be discovered within the assessed area of Lancaster Sound*. In Canada's remote Arctic, marine shipping is the most economic and efficient mode of transportation for bulk goods. Safe and environmentally sound marine shipping requires investments in information infrastructure such as appropriate charting, navigational aids, weather and ice information and systems to deal with response to accidents or spills. Marine shipping is considered to be a safe and environmentally sound choice of transportation in most southern marine areas. With appropriate levels of government services, marine shipping is a safe and environmentally sound approach across the North as well. There is an answer where the unique natural environment and the diverse marine life of Lancaster Sound can be protected and responsible commercial shipping and resource development could proceed in a manner that protects the environment. Such a win-win would be in the best interests of Nunavummiut and all Canadians. Although it is recognized that shipping is permitted within a NMCA, the Chamber suggests express reference in the plan that notwithstanding the specific prohibited activities, the Proposed Land Use Designation within this area is not intended to restrict shipping or related activities, during open water or during ice covered periods. That is, shipping through this area is not prohibited or restricted on the basis that it is associated with mineral exploration or development or other industrial activities outside Lancaster Sound.
	Section 3.1.2.2 Migratory Bird Sanctuaries	Generally, the Chamber is of the view that mineral exploration and development can proceed in a manner which provides adequate protection and mitigation, and that the NIRB process provides the opportunity to evaluate each project and recommend whether it can proceed without significant adverse impacts to birds. Environment Canada's focus on identifying almost all Key Migratory Bird Habitat Sites as "Highly Risk Intolerant" is extreme. If the DNLUP incorporates these designators, many habitat sites will be given the same standing as the Queen Maud Bird Sanctuary, discouraging exploration and alienating areas where exploration already has occurred without incident in the past. It is the understanding of the Chamber that the boundary of the Queen Maud Gulf Bird Sanctuary, being the largest conservation area in Nunavut, is under review https://rsis.ramsar.org/RISapp/files/RISrep/CA246RIS.pdf http://publications.gc.ca/collections/Collection/CW69-1-111E.pdf

		It has been made increasingly clear that a significant portion of Queen Maud Sanctuary is actually not critical bird habitat. However, there is significant mineral potential in areas of the Queen Maud Sanctuary that could be investigated if the land was available to exploration. Is the NPC aware of the status of this review being undertaken by Environment Canada and can this review be referenced in the NLUP?
Chapter 4 NLUP & ORD and Maps 108 - 179	Section 4.1.2 Community Priorities and Values	Section 4.1.2 refers to the summary community values and priorities identified by NPC during consultations on the Plan set out in Table 3 and 4. It should be acknowledged in the Plan that the community values and priorities represent these views at a point in time. Additional consultation is routinely undertaken during the regulatory process and may better represent community values and priorities at the time of permitting. If it is determined by regulatory authorities during the regulatory process that the priorities and values identified in Table 3 and 4 have changed, values and priorities identified by the impacted community at the time of permitting should be considered.
	Section 4.2.1 Transportation Infrastructure	Transportation Infrastructure is a critical need of industry in developing projects throughout Nunavut at remote locations. The Chamber supports the establishment of transportation corridors in Nunavut to add certainty to move forward plans to construct roads and rail links that will add to the economic feasibility of mining projects in the territory. A number of transportation corridors have already been identified in the DNLUP, but not all. For example, the proposed Hope Bay Phase II Road route is known and deserves the consideration of the NPC. The Chamber recommends that the NPC include all transportation corridors currently proposed by various proponents and refer them as “potential transportation corridors” in the plan. Also, the Chamber would like to see other important infrastructure elements identified in the plan, including proposed or potential port sites, ice roads and shipping routes. Note the Mary River Tote Road is an all weather road which also is approximately 100 km (similar to the size of the Baker Lake to Meadowbank road). In its June 20, 2014 response to the Chamber’ original DNLUP submission of June 6, 2014, the NPC stated: *The DNLUP identifies transportation corridors that are for public use and are intended to be long term as opposed to be for temporary private use. The Plan does not determine "where" transportation corridors. Instead the Plan identifies where corridors "cannot" be established. For clarity, accessory uses that conform to the Plan include temporary uses such as winter roads, open water shipping and associated ports, staging and warehousing.* The Chamber would like further clarification with examples with respect to the June 20th response. We take this response to mean that any proposed land or marine based transportation to be undertaken as part of a project conforms

		to the plan, unless an area specifically prohibits the use of an area for land or marine transportation purposes (obviously, such project-related transportation would not be permitted to proceed unless all regulatory requirement are otherwise met, including successful completion of any applicable NIRB processes). A transportation corridor is included for the Connection of the Kivalliq to Manitoba in the DNLUP but there are inconsistencies within the plan that should be clarified. The following is included in the plan: • Definition of Transportation corridor *"an area that is designated to be used for a public or private road, rail, or shipping route, and may be used by any person for the purpose of transportation. Any industrial activity within the corridor shall be in accordance with the terms and conditions of any permits, licenses, or authorizations. Any incidental activities or regular maintenance associated with the upkeep or continued operation of the transportation corridor to ensure the safe operation of transportation-related infrastructure and activities will not require further review or amendment."* • *"Transportation Infrastructure is considered to conform to the requirements of the Plan in all areas of the NSA [Nunavut Settlement Area] except where explicitly prohibited* (page 34)." • The shapefile (BHC-1 ID: 114) description lists permitted uses that include roads, railways, utilities, and corridors • Section 4.2.1 Transportation Infrastructure lists *"Connection of the Kivalliq to Manitoba*" as proposed infrastructure. The inconsistency is within the phrase that "Transportation infrastructure is considered to conform to the requirements of the Plan in all areas of the NSA <u>except where explicitly prohibited</u> (page 34, emphasis added)." The Kivalliq to Manitoba corridor crosses two types of land designation identified as 'Protected Areas' in which all-weather roads are explicitly prohibited and utility corridors are not specifically mentioned. The two areas designated as 'Protected' are core caribou calving and post-calving grounds (47) and Denesuline Land Withdrawals (97) (draft land use plan Table 1 lines 47 and 97). For added clarity, the Chamber recommends that the plan clearly state in Section 4.2 that winter roads and power transmission lines are permitted within corridors that cross through protected areas. Further, as noted above we are not of the view that all weather roads should be generally prohibited in caribou calving and post calving grounds.
Chapter 5 NLUP & ORD and Maps 180 - 184	Section 5.1 Diversified Economic Development	Respectfully, there remains a high level of uncertainty with the DNLUP as currently presented, particularly in Section 5.1 "Diversified Economic Development". The DNLUP acknowledges the importance of the mineral industry in the text of Section 5.1.1. However, these statements are not adequately or accurately represented on the land use maps in Schedule "A" or Schedule "B". The "Encouraging Sustainable Economic Development" goal and "Areas of known high mineral potential Special Management Area Land Use Designation "should be significantly expanded to reflect all current

		mineral exploration projects, the exploration history of the territory, and geology and mineral potential of the territory. It should also reflect the current levels of very low geoscience knowledge compared to other Canadian jurisdictions. There is an emphasis in the DNLUP on economic opportunities, but there is no direct linkage between this favourable outcome and the economic development required to generate those opportunities: this should be clarified in the text. Care must be taken in how "balanced economic development" is defined and expressed. It is imperative that the DNLUP be clear and unequivocal in expressing the criticality of the mining industry to the present and future wellbeing of Nunavut's regions. Designations must reflect this. For example, in the category of Mixed Use, it is entirely appropriate to state that mining, land-user access to carving-stone deposits, and conduct of tourism/outfitting, fisheries, and cottage industries can and do coexist successfully in the same area. A simple mechanism that takes into account the intended dynamic nature of the DNLUP should be added, so that it is clear that protection is not a one-way street and that land-users have the option to change their minds on the basis of need and new information, including geoscience, and new technologies like hybrid air vehicles that could reduce the need for road access. Text is devoted to the potential for making land use more restrictive for an area but not for steps which can be taken to turn a Category 1 area (Protecting and Sustaining the Environment) into Mixed Use. It should also be expressly noted that the Objectives listed in 5.1 are not presented in any order of priority.
	Section 5.1.1 Mineral Potential	It appears the only data source to designate these areas was the April 2014 submission of AANDC. NPC requires additional information in order to adequately reflect the known mineral development potential of Nunavut within this land use plan. Nunavut has a long documented history of mineral exploration and production. The evidence for this can be found in mineral assessment reports dating back to the mid-1900's (approximately 3500), mineral claim maps, and a large number of research reports produced by government geoscientists both of which date back to the early 1900's. Many of the numerous arctic expedition reports produced by explorers, including the 1576 Frobisher Expedition and the circa 1860 Hall Expedition, also include geological notes. Overall, the entire territory has the potential for mineral exploration and development which includes: aggregate resources; quarry resources; gemstones; precious metals; industrial metals; industrial minerals; energy minerals and; carving stone, which is precious to Nunavummiut, owned by Inuit, and is also considered a "mined" substance. The Chamber applauds the NPC in designating some areas of high mineral potential in the DNLUP for economic development. However, scrutiny of the areas designated thus far reveals the majority consist primarily of IOL Parcels. A number of areas in Nunavut of high mineral potential include Crown Lands, or straddle Inuit Owned and Crown Lands.

		Whether a project in a known area of high mineral potential conforms to the DNLUP or not should not rest on land tenure, but rather on whether the project is a suitable and preferred land use given any other land values present. The last sentence of 5.1.1 should be revised as follows. "*Nunavut currently has two operating mines, and there are several significant Projects anticipated to begin operations in the near future*." The Chamber encourages the NPC to work closely with industry and government partners to include all areas of known high mineral potential in Nunavut under the "Encouraging Sustainable Economic Development" designation, provided that no other conflicting land use may exist for such lands. Mineral exploration and production is a critical component of the long term sustainability and economic independence of the territory. New conservation polygons have been developed, but information/layers relating to mineral potential and existing mineral tenures are not currently reflected in the plan. A series of mineral potential maps should be included, similar to the maps that have been produced for commercial fisheries potential.
Chapter 6 NLUP & ORD	Mixed Use	To encourage Mixed Use, the Plan should express an intention to incorporate corridors in the future for consolidating various industrial activities i.e. transportation, pipelines, communications, and utilities/power transmission lines. In its June 20, 2014 response to the Chamber' original DNLUP submission of June 6, 2014, the NPC stated: "*65% of the NSA has a mixed use designation. Mining activities are able to occur in over 80% of the NSA".* The Chamber would like clarification as to where the 65% mixed use area and the 80% area where mining activities are allowed are located. It is noted that "*Where the foot print or study area of a project proposal occurs in more than one land use designation it will be considered to conform as long as all aspects of the project are considered to conform with the requirements of each Designation. For example, Project Proposals that conform to the Plan in a Protected Area or Special Management Area will also conform to the Plan in a Mixed Use Designation*." Project activities may occur over a very large area. Rather than the approach presented which would have the unintended effect of applying the standard of a Protected Area or Special Management Area to activities within a Mixed Use Designation, Project Proposals with a footprint covering more than one area should take care to design their project in a way which takes the different standards that may apply across the Project area into account.
Chapter 7 NLUP & Tables 1 - 6	Section 7.1, paragraph 2	The Chamber would like an explanation as to why the online public registry and timelines are not in place. It is vital that the public registry be developed and in place when NUPPAA comes into effect, and before the NLUP is

		finalized. Transparency is an essential value of the Nunavut regulatory system and this is challenging to achieve without a functioning, up to date and organized public registry. It would enhance transparency if proponents had the ability to upload applications and correspondence directly.
	Section 7.3 Project Proposal Application	"*A proponent of a project to be carried out in the designated area must submit a project proposal to the NPC. In general, a Project Proposal consists of; a description of the proposed activity, its nature and location, as well as any supporting information that may assist the NPC in making a Conformity Determination*." Further guidance should be provided with respect to application requirements. The level of detail of required information should be consistent with the fact that this is an entry point into the regulatory process (i.e. detailed technical information does not appear necessary at the conformity determination stage). Based on the current approach in the DNLUP, it seems a conformity determination could be made on the basis of the following information package: • A map submitted by proponents which shows the project area, and overlays any Mixed Use, Prohibited or Special Management Areas included in the NLUP (where such information is practicably available, the proposal should include identification and inclusion of local Inuit Place Names); • A description of the project proposal, which specifically identifies any project activities that would take place within Mixed Use, Prohibited and Special Management Areas; • An indication whether the planned activities are included on the list of prohibited activities within Prohibited or Special Management Areas; • An indication whether planned activities are included on the list of restricted activities within Prohibited or Special Management Areas • A list of any applicable Terms that land users must follow; • A list of any applicable Priorities and Values in Tables 3 and 4; • A list of any applicable Direction to Regulators; • A list of any federal or territorial permits or approvals that will be required in respect of a project proposal. "*A proponent who intends to undertake two or more projects that are so closely related that they can be considered to form a single project must submit a single project proposal in respect to those projects*." Clarity is required with respect to this comment. It is assumed that this refers to multiple projects proposed at the same

		time by proponents (e.g. a road and a mine proposed by the same proponent must be considered together rather than as separate projects)? Rather than delaying acknowledgement of receipt of an application until it is deemed to be complete, suggest there should be two notifications – "receipt" and "completion".
	Section 7.4 Land Use Designations and Terms	Please note our previous comments regarding the definitions of Protected Area and Special Management Area. "*Where the foot print or study area of a project proposal occurs in more than one land use designation it will be considered to conform as long as all aspects of the project are considered to conform with the requirements of each Designation*." As noted above, this approach appears to have the unintended effect of expanding the boundaries of Protected Areas and Special Management Areas under the plan. In section 7.4 p.46, the Plan provides a list of Project Proposals that may be considered to raise cumulative impact concerns as follows: •*Low-level flights using fixed or rotary winged aircraft;* •*Prospecting Permits and Leases;* •*Studies for all weather roads;* •*Seismic research;* •*Transportation of goods, people or services by ship;* •*Ice breaking in marine environments; and* •*Use of less than 50 cubic metres of water per day and generate noise.* Rather than the type of Project Proposal, in determining whether there is a potential cumulative impact concern it may be preferable to focus on the number of existing and permitted Project Proposals in the vicinity of the Project Proposal in question.
	Section 7.5 Generally	It should be noted here that unless an activity is specifically prohibited within a specific land use designation, all land and water uses associated with Project Proposals are considered to conform to the plan and may proceed to the regulatory

	Permitted Uses	stage (NIRB or permitting, as the project requires). The listing of the specific activities in section 7.5 should not be interpreted to detract from the general approach that has been undertaken in the draft. This list is provided for greater clarity. In addition to the listed activities, consideration should be given to the concept that research proposals should generally conform to any land use designation. This supports the goal of gathering knowledge.
	Section 7.6 Existing Rights	It appears this section is generally cut and pasted from section 235 of NUPPAA. As a general comment, where there is conflict between the text of the plan and NUPPAA, NUPPAA should prevail. The existing Kivallaq land use plan has an approved transportation corridor; The Chamber would like assurances that this transportation corridor will be reflected in the NLUP as well. It is not clear to the Chamber what restrictions are being proposed which would impact existing mineral claims. While the Chamber maintains a map of production and exploration projects of which we are aware, this would not give complete information as to the mineral claim development that may be impacted by these changes. Where restrictions are proposed over areas subject to existing mineral claims, has NPC consulted specifically with companies or individuals that own those existing rights about any potential implications of the new land use designation? What mechanism does NPC propose to financially compensate holders of existing rights should the new restrictions restrict or prohibit their ability to explore or develop their existing claims? NPC should be provided with a detailed mineral claims map from the Mining Recorder' Office and overlay with proposed Prohibited and Special Management Areas. This will give industry a clearer picture of how many claims are potentially affected.
	Section 7.7 Conformity Determinations	An efficient, clear and predictable conformity determination process is essential to support continuing investment in Nunavut. Delays in conformity decisions experienced to date and potential future delays and uncertainties could send a negative message to potential investors in the mining sector in Nunavut. The DNLUP provides the following summary of NPC's approach to determining conformity: "*If the project proposal is not prohibited and complies with any applicable Terms it will be considered to conform to the Plan. If the project proposal is prohibited or is unable to comply with relevant Terms it will be considered to not be in conformity with the Plan*." For clarity, what analysis or criteria would the NPC apply to make a determination that a Project Proposal is "*unable to comply with relevant Terms*"? We expect that this assessment would be made based on objective criteria (e.g. the proponent indicates it cannot follow the applicable Terms, therefore the proposal does not conform), but we wish for

		this to be confirmed. "*The Commission must exercise its powers and perform its duties and functions related to reviewing project proposals within 45 days after receiving a complete project proposal application. NPC staff may, at any time during the assessment of a project proposal, make a written request to the proponent for additional information. Any time required for the proponent to provide additional information does not count as part of the 45 day period. If the proponent fails to provide the information required the Commission may suspend its assessment activities until the proponent provides that information and must make the reasons for the suspension public. If a proponent does not provide the information requested within three years after the day on which the request was made, the assessment of the project is terminated*." Information requirements for a Project Proposal for NPC conformity purposes are currently underdefined and there is potential for unpredictable delays in the process as a result. We note the recent conformity determination period concerning the Phase 2 Development of the Mary River Project Proposal submitted for assessment by Baffinland Iron Mines Corporation was 140 days, which is of concern. Given that NPC has designed the plan to support objective conformity determinations based on clear non-subjective criteria, our hope is that conformity determinations can be issued in much less than 45 days and on a timeline more consistent with the 10 day timeline that was (until recently) reflected on the NPC website. Provided the Project Proposal includes all of the information requirements proposed above in section 7.3, the conformity determination process should be able to start promptly. What additional information does NPC anticipate it may need in order to issue a conformity determination? The wording of the "Project Does Not Conform" section is confusing. Industry suggests that any non-conformity determination should be issued immediately, and any direction on minor variances could come in separate correspondence. If a Project Proposal does not conform to the land use plan, there should be no delay in communicating this important information to the proponent while the NPC considers the availability of a minor variance. The proponent must determine whether to apply for a minor variance, plan amendment, or Ministerial exemption, although the NPC's timely guidance on the likely availability of the minor variance option in this scenario would certainly be helpful.
	Section 7.8 Minor Variance	"*A request for a minor variance will only apply to Terms that include setbacks or seasonal restrictions. To be considered minor the change must be: less than a 50% reduction to ~~:~~ the distance established by a setback or; the timing of a seasonal ~~access~~ restrictions as established in the Plan*." As noted above, mandatory setbacks may not be appropriate and it may be more appropriate to refer to setbacks within the plan as guidelines to be considered by regulatory authorities. If mandatory setbacks continue to be included in the plan, the excerpt should be clarified as noted above.

		In our view, the NPC should retain a general discretion to consider other matters for minor variances, at the request of a project proponent, a DIO, a regulatory agency or the NPC. As an example, an all weather road route which runs through a very small portion of a prohibited area may be an appropriate candidate application for a minor variance, in certain circumstances. "*The conditions that will be considered to determine if a project proposal is eligible for a minor variance are:* *(a) the proposed minor variance is necessitated by unique physical features or limitations of the project location, such as those related to topography and vegetation;* *(b) the granting of the proposed minor variance will not cause the project to have incompatible or obnoxious land use when viewed in the context of surrounding uses or interests; abutting lands or on other activities that are occurring or will potentially occur in the area; and* *(c) the granting of the proposed minor variance will not be inconsistent with similar minor variances previously granted by the Commission*." These criteria should not be presented as mandatory requirements but as considerations for the NPC's decision making with respect to minor variances. With respect to (c), the Chamber suggests that it is not appropriate or necessary to bind the NPC to past determinations in this manner.
	Section 7.9 Ministerial Exemption	As above, it is preferable to refer the reader to specific applicable NUPPPAA provisions rather than paraphrase them as part of the plan. These should be quoted directly.
	Section 7.10 Plan Amendment	In terms of process for plan amendments, the DNLUP currently provides guidance as follows: "*The NPC must consider the proposed amendment and, if it considers it appropriate to do so, conduct a public review. If the NPC conducts a public review in respect of a proposed amendment, the NPC must make the proposal public in a manner that is designed to promote public participation in its examination*." " *To determine whether a Plan Amendment should or should not be granted, the NPC will:* *(a) Review the request and supporting material.* *(b) Request any additional information, studies or reports by recognized and qualified professionals that may be needed to support the application.*

		(c) Notify the public of the request on the NPC On-line Public Registry and through relevant media sources. *(d) Review all public feedback, information, reports and any other applicable information and establish whether or not the proposed amendment would:* *•maintain the intent of the Plan;* *•result in an incompatible or obnoxious land use when viewed in the context of surrounding uses or interests;* *•have an adverse impact on wildlife, wildlife habitat or community land use;* *•contribute to the implementation of the Commission's Broad Planning Policies, Objectives and Goals;* *•protect and promote the existing and future well being of the residents and communities of the NSA, taking into account the interests of all Canadians; and* *•be consistent with the specific planning objectives and planning variables identified for any applicable planning region the factors referred to in section 11.3.1 of the NLCA; Inuit objectives for Inuit Owned Lands and the priorities and values of residents.* *(e) Generate a report compiling the above information and prepare options to address the Plan Amendment*." Since there is not a prescribed process for an amendment, industry does not have a clear understanding of the administrative processes and timelines that NPC would follow in relation to such an application. Industry requires a detailed understanding of the process for an amendment, including information requirements, timelines, the nature of a "public review" and better understanding of circumstances where a public review may not be necessary. • Given that the DNLUP applies Nunavut-wide, how would the NPC identify specific communities that would need to be consulted in respect of a particular amendment application? We expect NPC would likely follow a similar process to NIRB and provide an opportunity generally available to the public to submit written comments and (if necessary in the circumstances) hold public meetings in the community most impacted by the potential amendment. • With respect to the requirement that proposed amendments not "*have an adverse impact on wildlife, wildlife habitat or community land use",* an amendment to a plan would not in and of itself have any adverse impact on wildlife, wildlife habitat or community land use. Rather, an amendment would simply permit projects that have the potential to cause such adverse impacts to proceed to the NIRB process. The NIRB process would then provide an evaluation of the potential for adverse impacts and would provide a positive or negative

		recommendation to the Minister. Article 11 of the NLCA indicates that a land use plan should generally take into account factors such as environmental considerations, including Parks and Conservation Areas, and wildlife habitat and cultural factors and priorities. Article 11 does not indicate that NPC is to make impact determinations and this is not included in NPC's role and responsibilities at section 11.4.4 of the NLCA. As per section 12.2.2 of the NLCA, impact determinations are the role and responsibility of NIRB. • With respect to the requirement that proposed amendments, "*maintain the intent of the Plan"* can NPC clarify what is meant by "*intent of the plan*"? Is this intended to refer to the "Purpose of the Plan" described at section 1.5.1 of the DNLUP and 11.3.2 of the NLCA as follows? "*11.3.2 The purpose of a land use plan shall be to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, taking into account the interests of all Canadians, and to protect, and where necessary, to restore the environmental integrity of the Nunavut Settlement Area*." • With respect to the requirement that proposed amendments, "*contribute to the implementation of the Commission's Broad Planning Policies, Objectives and Goals",* suggest that the test should be that the proposed amendment is consistent with these materials. Query whether future amendments should be tied to a 2007 document that may not be updated. • With respect to the requirement that proposed amendments, "*be consistent with the specific planning objectives and planning variables identified for any applicable planning region the factors referred to in section 11.3.1 of the NLCA; Inuit objectives for Inuit Owned Lands and the priorities and values of residents."* Are any of these currently in effect? If so, can the NPC direct the Chamber to such materials? "*Public reviews will, whenever necessary, coincide with regularly scheduled meetings of the Commission's Board of Directors*." Can the NPC please disclose the meeting schedule of the Commission on its public website? This information would be helpful for planning purposes. It is also noted that the Commission should be prepared to hold a meeting out of schedule in order to process an amendment application in a timely manner. Therefore the reference to "whenever necessary" should read "whenever possible".
	Section 7.11 Periodic Review, p.50	Please clarify between paragraph 1 "The Commission may review the Plan periodically…" and paragraph 4 "A Periodic Review should occur every 5 years." Given the extensive consultation that has taken place in the last two decades, and the cost associated in developing this Draft land use plan to date, is a 5-year review period realistic or necessary? The Chamber is concerned that this type of requirement would result in a continuous cycle of land use planning review. The Chamber would like to request that annual reports regarding the implementation of the Plan be made public, not

		just provided to the Minister and DIOs. With respect to (f), is it expected that NPC staff would have a direct inspection and enforcement role?
	Section 7.12, Additional Research and Studies, Caribou, p. 51	As a general comment, it should be acknowledged that a large portion of the research that has been undertaken in Nunavut in recent decades has been undertaken by mining proponents in respect of Project Proposals. This work has been shared and has supported increase of the scientific knowledge base within Nunavut. The Chamber believes that to ensure healthy and abundant herds as well as a strong mineral/exploration industry is to collect the best information available on caribou populations. The Chamber recognizes that before a coherent system can be used to guide decisions, significant gaps in knowledge must be filled. Therefore, conducting research and collecting data should be of paramount importance to ensure that the best available data is being used to inform decisions which will affect the wellbeing of caribou and the vibrancy of the Nunavut economy. The Chamber has a concern regarding the imposition of "mobile protection measures", especially when such short-term closures are enforced on the basis of satellite-collar data. When current data are available – not always the case in all regions – it would be both disruptive to operations and of little relevance to caribou management to shut down activities in an area where a single collared cow may be present whilst at the same time providing no controls on aggregations of animals who have no collared cow amongst them and yet may be utilizing an area of more habitat significance. It is preferred that exploration and mining companies, who are already constrained and guided by their own approved plans and regulatory conditions of project activity are allowed some degree of flexibility. A common mitigation used by projects is conducting aerial and/or ground observations to determine caribou presence, numbers and group composition in advance of certain activities, on a responsive, case-by-case basis. In general, the Chamber does not support the implementation of mobile protection measures as they would unnecessarily alienate large swaths of land and contribute to greater investor uncertainty.
	Figure 3	This flow chart should include timelines. Figure 3 should reflect the amendment option in addition to the minor variance and exemption options. Clarify what is meant by the "appeal received" vs. "no appeal received" options?
	Table 1, General	"*Terms: The NPC may refer a project proposal falling within Schedule 12-1 to NIRB for screening, where the NPC has concerns respecting the cumulative impact of that project proposal in relation to other development activities in the*

	Comments	*planning region*." This is a general NPC power that is part of the NLCA and also described elsewhere in the plan. This statement should be removed from the "Term" section of each designation as it adds unnecessary length to the plan. Where uses have been prohibited, the NPC has also prohibited "related research". The Chamber does not believe research should be prohibited outright in any area of the NSA. It is an activity with minimal negative impacts that requires separate approval from regulatory authorities in order to proceed, and removing the ability to undertake research would reduce the ability to better understand areas in Nunavut that have been flagged as sensitive. Also, it may be appropriate to change some of these protection designations in the future and without the ability to undertake research, the data supporting an amendment application would not be available if needed.
Table 1, PSE, Area 66	Queen Maud Gulf Islands inside DND	This area is adjacent to a critical marine transportation corridor. The Chamber seeks confirmation that this designation would not impact marine shipping through the eastern approaches to the Northwest Passage (we expect it would not since the shipping area does not pass through Area 66 itself).
Table 1, PSE, Area 11	Lambert Channel	This area includes the entire portion of the western approaches to the Northwest Passage, and is therefore part of a critical marine transportation route. However, it appears that shipping is prohibited. We seek clarification on how such a future designation would impact marine shipping essential to the development of the mineral resources of the Kitikmeot region. Our expectation is that all transportation would continue to be permitted.
	General comment DEW Line sites and Contaminated Sites	Does this general prohibition unnecessarily prohibit potential for future projects that might make beneficial use of these areas?