



July 13, 2015

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**RE: Response to Draft Summary of Recommendations and Action Items**

Dear Sharon:

Thank you for the opportunity to participate in the initial Technical Meetings regarding the Draft Nunavut Land Use Plan (“DNLUP”), June 23 – 25, 2015. We are in receipt of Mr. Boote’s draft summary of the meetings sent by email on June 30, 2015. The NWT & Nunavut Chamber of Mines (“the Chamber”) has reviewed these notes and would like to provide comments for clarification purposes:

**Chapter 1**

*“Parties suggested that there be more background information in the plan in order to provide further context.”* - The Kivalliq Inuit Association provided a detailed presentation on existing areas of mineral potential that currently exists in the Keewatin Land Use Plan, based on 10 years of geoscience research, but yet is not reflected in the DNLUP. The Chamber would have expected to see the issue of mapping areas of high mineral potential included as an outstanding item reflected in the summary. There has not been any indication that this issue has been substantially addressed by the Nunavut Planning Commission (“NPC” or “the Commission”) to date. In our view, it is critical that the areas of known high mineral potential are accurately defined and reflected in the base mapping used to support the planning process, while also acknowledging that in a vast underexplored territory, there are many other areas with high mineral potential that remain to be identified.

*“Acknowledgement by NPC that wording and definitions related to particular prohibited uses will be reviewed.”* - The transcripts reflect that there needs to be a focus on clear land uses that are clearly defined in order for the Commission to make clear conformity determinations. The NPC needs to articulate the details of its processes for conformity reviews, the need for land use plan amendments, and how reviews of the land use plan will be conducted.

*“NPC will work with NTI to smooth out the mapping issues related to the ‘slivers’ of IOL”* – In fact, as stated in the transcripts, this issue affects 21 million hectares of IOL. These are private lands that were primarily chosen for their mineral potential and were selected through a community and regional process, which needs to be respected. As well, it was stated that the Commission, the Government of Canada (GOC), Nunavut Tunngavik Inc. (NTI), and the Government of Nunavut (GN) would get together during the course of the meeting and let the rest of the group know what the plan was to resolve this. The Chamber would like confirmation that this meeting took place. As yet, we have not received an update.

## Chapter 2

*"Chamber of Mines will provide its own analysis of the recent GN proposals on caribou protection."* -

The Chamber did not commit to providing its own analysis. Rather, the request was to review the specific methods that the GN used to define the areas (The Chamber expected these methods and area delineation to have been peer reviewed). Pending that review, the Chamber is seeking a technical description of where the areas came from and what data and methods were used to support the delineation.

## Chapter 3

*"NTI and GN should discuss differences of opinion over the designation of the Thelon and Kazan Heritage Rivers."* - This seems to suggest that no mineral exploration or development is allowed inside a Canadian Heritage River area. The Chamber is not aware of any such legislation. In the transcripts, the GN stated that Heritage Rivers do not preclude mining activities. If mining is considered compatible with an individual Heritage River management plan, it should be able to proceed. Industry is concerned that this discussion is moving towards the assumption of a restrictive land use for heritage rivers.

## Chapter 4

*"GC does have concern about prohibitions on marine traffic."* - The Chamber believes the comment expressed by the GOC was more definitive. In fact, Transport Canada stated clearly that it does not support any type of outright prohibition on marine traffic (presuming that marine traffic is abiding by Canadian Law and shipping regulations).

## Chapter 5

Though no mention is made of this in the summary, the GOC provided an in depth overview of the territory's known geology and has identified and provided areas of high known mineral potential. Industry has invested billions of dollars in IOLs and Crown lands to develop those lands of known mineral potential. Since 1999, over three billion dollars has been spent on mineral exploration and mine development, a portion of which has contributed to the gathering of geoscience data. The level of geoscience data varies across the territory. As stated in the transcripts "it is important not to exclude these areas, because the potential does exist under certain economic conditions where an identified historical resource could become economic in the future".

## Chapter 7

In general, a number of significant issues were raised that the Chamber believes are not adequately captured in the facilitator's notes, particularly with respect to Transportation Corridors. The Chamber is very concerned with the ability of mining project proponents to include road access as part of their project. We were encouraged that the DNLUP does not contain prohibitions on mining roads in general or on transportation corridors. We note that there are exceptions in certain Protected Areas where mining and all-weather roads would be prohibited. We note that the GOC is raising concerns with respect to the need for transportation corridors to be considered within these protected areas.

Outside of these protected areas, our understanding of the DNLUP is that transportation proposals such as roads are not prohibited in many protected areas and are not prohibited in special management areas or in the mixed use areas. We believe that this is appropriate within a Land Use Plan. Project proposals which include the development of seasonal or all-weather roads will always be subject to

environmental assessment through the NIRB process which will determine whether the projects should be approved after taking into account environmental and socio-economic effects and mitigation measures, and after full public input and participation.

We are very concerned with the July 8, 2015 initial responses by NPC staff which appear to be suggesting a whole new approach to transportation corridors under the DNLUP. As noted above, the Chamber believes that the current DNLUP, which does not place general prohibitions on roads and other transportation infrastructure, is the correct approach at the land use planning level.

Similarly, we are concerned with the proposals relating to marine transportation corridors outlined in annex A and the end notes, to the July 8, 2015 initial responses by NPC staff. Again, the DNLUP does not contain prohibitions on marine shipping, including shipping through ice. The definition of "marine transportation corridor" in the end note to annex A to the July 8, 2015 initial responses by NPC staff suggests that that ice-breaking is not permitted except by plan amendment. Again, this is a fundamental change from the DNLUP which does not impose prohibitions on marine shipping or shipping through ice.

We are strongly of the view that the NLUP should not prohibit marine shipping, including shipping through ice. Project proposals which include this type of shipping will be subject to thorough and public review in the NIRB process, taking into account all environmental and socio-economic effects, and allowing for full public participation. In our view this is the correct approach.

We do not believe that applications to amend the NLUP should be required as part of the NLUP conformity review for the development of either roads or marine transportation as part of mining projects. Requiring an application to amend the NLUP would add a further regulatory process to the processes already conducted by NIRB and the Nunavut Water Board in their reviews. We do not believe that a third regulatory process should be added to these existing processes. We can see no basis for the NLUP to prohibit roads or marine shipping. Many mining projects which include roads and marine shipping have been thoroughly reviewed by NIRB which has found that, these activities can be carried out without significant environmental impact, through the use of established and recognized mitigation measures. These include road corridors, a rail corridor, and marine shipping corridors, including shipping through ice from the Mary River project.

The Chamber does not consider these comments to be exhaustive and may provide additional commentary to the NPC at a later date depending on the outcome of the discussions at the 2<sup>nd</sup> Technical Meeting in July, 2015. We would like to reiterate that it may not be appropriate to proceed with a Prehearing Conference until a revised plan has been produced by NPC which takes into account the information gathered during the Technical Meeting(s).

Sincerely,



Elizabeth Kingston, General Manager – Nunavut

Cc David Boote, Co-Facilitator  
Hunter Tootoo, Chairperson – Nunavut Planning Commission