

**DRAFT NUNAVUT LAND USE PLAN**

**NUNAVUT PLANNING COMMISSION**

**3<sup>RD</sup> TECHNICAL MEETING**

**TRANSCRIPT**

**Siniktarvik Hotel & Conference Center  
Rankin Inlet, Nunavut**

**January 18 – 22, 2016**

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Kitikmeot Regional Wildlife Board	Ema Qaggutaq
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**DAY 1**  
**JANUARY 18, 2016**

**INTRODUCTIONS**

David: Good morning. For those who don't know me, I'm David Livingstone. I'll be chairing the meeting over the next few days. Welcome. Happy New Year to those who are still saying Happy New Year. I'll ask Tommy to do the opening prayer, and then we'll get into the meeting itself.

Tommy: *(Opening Prayer)*

David: So a couple of housekeeping items before we get started. Washrooms are to the back, well at either end of the meeting room for those in the meeting room. Emergency exit is to the right at the back, and the other exits as well. As I mentioned before, we have kind-of a makeshift phone system at the moment, so I'm going to ask for the indulgence of those on the phone in particular, but also for the people in the room to speak clearly and slowly, but take a little more care this time around. Jazz will be transcribing the minutes of the meeting, and I'll be chairing as best I can. We have the Nunavut Planning Commission staff at the back. I'd ask that you make sure that you register with them. And then there are the translators. The channels are French-channel 4, Inuktitut-channel 2, Inuvialuktun- chapter 1, and the floor, the room itself -channel 3. On the phone, I guess it must be channel 3 too.

What I'll do is I'll ask people to introduce themselves, starting with Brian, and then we'll have some opening remarks. As you introduce yourselves, those who haven't already been part of this discussion, I'd ask you spell your names out as well. I'd also invite people to make short opening remarks if they wouldn't mind, particularly outlining their expectations for the meeting and next steps.

Brian: Qujannamiik David. Brian Aglukark, Director of Planning. My office is located in Arviat. Qujannamiik.

Peter: Peter Scholz, Senior Planner, Planning Commission, also located in Arviat.

Jonathan: Hi, my name is Jonathan Savoy. I'm a Senior Planner with the Commission based out of Cambridge Bay.

Jared: Good morning. Jared Fraser. GIS Technician with Nunavut Planning Commission.

Spencer: Good morning. Spencer Dewar with Indigenous and Northern Affairs Canada.

Ken: Ken Landa, Lawyer with the Government of Canada.

Miguel: Morning. Miguel Chenier with NTI Lands in Cambridge Bay.

Bert: Good morning. I'm Bert Dean with NTI's Wildlife Environment Department based here in Rankin Inlet.

Sophia: Hi, I'm Sophia Granchinho, Manager of Impact Assessment with the Nunavut Impact Review Board working remotely from Arviat.

Vicky J: Vicky Johnston, Environment Canada

Bruce: Bruce MacDonald, Environment Canada, Canadian Wildlife Service

Warren: Warren Bernauer - Kivalliq Wildlife Board

Barney: Barney Aggark – Mayor of Chesterfield Inlet and also Vice President for Kivalliq Wildlife Board

Jackie: Hi there. Jackie Price with the Qikiqtaaluk Wildlife Board based out of Iqaluit, Nunavut. Thanks for having this meeting, and I look forward particularly to the discussions around wildlife.

Ema: Good morning. Ema Qaggutaq with the KRWB. I was at the first Technical Meeting in June but I didn't go to the second one. This is the second time I'm attending Technical Meetings here.

Amy: Amy Robinson. Government of Nunavut.

Denise: Denise Baikie, Government of Nunavut.

Vicki M: Vickie McCulloch with DPRA Canada giving support to the Government of Nunavut.

Brandon: Brandon Laforest with World Wildlife Fund, Canada.

Leslie: Leslie Wakelyn. I'm with the Beverly Qamanirjuaq Management Board. I am based in Yellowknife, but I represent a Board that spans Saskatchewan, Manitoba, Nunavut, and the Northwest Territories. I have not participated in these Technical Sessions except ineffective attempts by phone previously.

David: And along the wall?

Alain: Al Joseph with Parks Canada, the Iqaluit affiliated office.

Kim: Kim Pawley, Indigenous and Northern Affairs Canada.

John: John Price with Indigenous and Northern Affairs Canada in Iqaluit.

David: And the folks at the back?

Mitch: Mitch Campbell, Wildlife Biologist in Arviat

Alana: *(Not on audio)* Alana Vigna, Planner with the Nunavut Planning Commission.

Hugh?: (Not on audio) Hugh Nateela, Development Technician, Nunavut Planning Commission.

Tommy: (Not on audio) Tommy Owlijoot, Manager of Translations, Nunavut Planning Commission.

Annie: (Not on audio) Annie Ollie, Regional Planner with the Nunavut Planning Commission.

David: And on the phone, and I'll just ask people to identify themselves and include any brief opening remarks they'd like to make. Obviously we can't, at this point, name people, but I'll just invite folks to announce themselves randomly.

Naida: Hi, Naida Gonzalez, consultant with NTI.

Liz: It's Liz Kingston with the NWT-Nunavut Chamber of Mines

Dwayne: Dwayne James with the Department of National Defense.

Tineka: Tineka Simmons, Canadian Northern Economic Development Management Office based in Iqaluit.

Nicole: Nicole Butler and Oliver Curran from Baffinland Iron Mine.

David: And that's it I guess. As we did during the July Technical Session, what I'll do is after the NPC has made its opening remarks, I'll go around the table here and then I'll go to the phones.

Just a brief overview of where we've come from, and perhaps where we're going: The first Technical Session - I guess we could call it Technical Session-1 back in Cambridge Bay occurred a couple of years ago. Then Technical Session 1 formally was in June in Iqaluit. Tech 2 was in July in Iqaluit, and now Tech 3 in January here in Rankin Inlet.

Each of those sessions, I think, has narrowed the differences and developed a bit of a consensus in some areas. There are still other areas that remain to be discussed, and those are the areas we intend to focus on over the next few days. That's not to say there's 100% consensus, but I think it's fair to say that from what I understand the Nunavut Planning Commission to say is that they have enough information on most of those areas to be able to draw conclusions and make recommendations to the Commission itself. So we'll focus on those issues that the Commission has identified the need for more discussion in the short-term, but we have plenty of time at the end of the week to raise and discuss other issues that people might want more clarity on or make their points more clearly once again.

I'm hoping that we don't have to go to Friday, but we'll see. There has already been a slight change in the agenda. The Nunavut Tunngavik folks won't be available tomorrow, so we've moved the existing rights discussion to tomorrow afternoon. Jonathan?

Jonathan: Thanks, David. Sorry, just to clarify, the existing rights conversation was moved to this afternoon.

David: Sorry, it is this afternoon starting at 1:00 or 1:15 rather. Additionally, I've asked the Nunavut Planning Commission to make sure that periodically they update the agenda. I know people on the phone in particular will be calling in for specific sessions. It will be frustrating, in particular for them, if they don't know when the particular items will be coming up. So I think once or twice a

day, I'll ask the Planning Commission to just update the agenda and use the same format as they did earlier today.

With that, I'll go very quickly through the agenda itself. So the morning session we'll start with walrus haul-outs once we do the opening remarks from the Planning Commission. We'll have a break around 10:15, and then we'll discuss polar bear denning areas and the Sabine Peninsula. This afternoon, as we mentioned, we'll start at 1:15 with existing rights, and then we'll continue the discussion on caribou habitat. That may take a bit more time. We may run into time tomorrow. We'll see.

On Tuesday is migratory bird setbacks, proposed national park, Bluenose. That probably won't take long. In the late morning, conservation areas and heritage rivers. In the afternoon, there will be areas of equal use and occupancy and the community drinking water supply watersheds. Later in the afternoon will be DND sites and contaminated sites.

Wednesday will be IQ, Community Priorities and Values, and Areas of Interest. In the late morning will be transboundary considerations and high mineral potential areas. The afternoon will be linear infrastructure corridors, and that may take the day.

On Thursday, existing rights as I said, will be moved to this afternoon, so we'll move directly to regulatory authorities and cumulative impact referrals, and then overlapping designations and accessory uses.

Then after that, we will kind of open the floor, although I would ask that people identify as early as possible additional issues that they would like to discuss. We'll open the floor to additional planning issues raised by participants. That will wrap up Thursday, and if necessary, move into Friday. Are there any comments or concerns at this point that anyone might have first in the room? Brian?

Brian: Thank you, David. A couple of points, if I can raise them at this time: We're hearing that the NTI rep, Bert, will be leaving tomorrow. Representatives from Kivalliq Inuit Association may not be available for the entire week. So I'm wondering if we're not done by 4:00 or 5:00 this afternoon on caribou, we extend that into the evening. That's an idea we can throw around during the day. Qujannamiik.

David: We'll see how far we get. And there were a couple of new arrivals. Perhaps you can introduce yourselves.

Craig: Craig Beardsall from Kivalliq Inuit Association and I'm the Environmental Technician.

Luis: Luis Manzo, Director of Lands, Kivalliq Inuit Association.

David: Thanks, and for the person who just called in, could you identify yourself please?

Rosanne: *(Not on audio)* Rosanne D'Orazio, QIA.

Steven: Steven Lonsdale, QIA.

David: Great, thank you. Just for the folks on the phone, again, if new people are joining the conference, perhaps you can give NPC a heads-up, send them an email responding to that agenda change this morning, just so we have a good idea of who is calling in and who isn't. You can announce yourselves as we go, but sometimes it will get a little confusing I think. So as much redundancy as we can would be better.

So I didn't hear any comments about the agenda. We'll start. I'll turn it over to NPC. I just want to say that during the next few days, we will be talking about next steps. I know that's one of the areas that people are always asking questions about. I'd like to be as clear as possible for participants as to next steps. Let's provide as much certainty as we can so people can plan well ahead. But we'll get into that discussion a little later. I'm hoping that with the next steps, the process will be clearly laid out and people will be able to plan for the next few months as clearly as possible. So, NPC, shall I turn it over to you guys to do the opening review? Oh, and one last thing. Sorry. If people, as they take the mike or take the phone, if you could introduce yourselves first, that would be really helpful.

Brian: Qujannamiik, David. Brian Aglukark, Planning Commission. We'll be going through a presentation. It will be myself, Jonathan, and Peter Scholz providing a little introduction to the system for this week. I want to welcome everybody to the third Technical Session for the Draft Nunavut Land Use Plan. This is the last round of Technical Meetings. Based on the first two sessions, I personally am confident that the major remaining issues can be resolved either during this session or in the follow-up.

Again, my name is Brian Aglukark. I'm the Director of Planning for the Nunavut Planning Commission. Sharon Ehaloak will not be with us this week. She is on medical leave, and we hope to have her back in our offices by this end of this month. This presentation is similar to that provided at the beginning of the other two Technical Sessions, and they will be to provide a general overview of the land use planning process, discuss how the Nunavut Land Claims Agreement guides planning in Nunavut, review the Draft Nunavut Land Use Plan and its content, and explain how this process will move forward, and how your active participation is essential for success of this process. We will have plenty of time after the presentation for questions and discussions.

It needs to be reiterated that this is a first generation land use plan. It is dynamic and adaptive. The need for a full review will be considered a minimum of every 3 years. The plan uses a variety of planning tools to provide direction on how land should be used. Jon?

## **OVERVIEW OF THE DRAFT NUNAVUT LAND USE PLAN TO DATE**

Jonathan: Thanks, Brian. It is my pleasure to welcome our planning partners here today. Here you see Nunavut from space. On the right, you can see Baffin Island, and the bottom Southampton Island where Coral Harbour is. Above that, you can see the Melville and Boothia Peninsulas. The Nunavut Land Claims Agreement, Article 11: Land Use Planning, which is the primary article governing our work, requires the NPC to develop land use plans for all parts of the territory that guide and direct resource use and development.

Land use plans must reflect the values and priorities of residents. Land use plans prepared by the NPC do not apply to traditional land use activities, such as hunting, fishing and camping. Within municipal boundaries, our land use plans apply to projects that do not qualify for an exemption under the Nunavut Planning and Project Assessment Act, such as those involving industrial activities, the deposit of waste, or the bulk storage of fuel.

The Draft Plan, first made public on September 7, 2012, has undergone a consultation that included engaging over 30 communities twice 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 a public workshop 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 this unprecedented consultation. Each area is mapped and available in individual community reports located on the NPC website.

The Nunavut Land Use Plan is planning on an epic scale:

- Two million square kilometers of land, and half that again of marine areas
- Consideration of ecosystems as a whole
- Planning that does not stop at the coast.
- Opportunity to consider resource development in a broad context.
- Essential role for Inuit in the design and implementation of the Plan

It is a privilege for us all to be a part of this. It is a model of regional planning rooted in local wisdom that the whole world needs. Our success here – your support in making this happen – will have ramifications far beyond Nunavut. Not all of us here work with regional planning on a regular basis. With your patience and permission, especially for those who have heard a version of this presentation before, we will spend just a few minutes describing land use planning and regional planning, and what they are about.

Land use plans are about the relationship between humanity and nature. We all as a species use the land. Our actions need to be coordinated. One person harvests food; another mines; another fishes; another builds roads; another programs computers. All these things impact the land, the water, and the air. Our actions leave a mark on the planet. Decisions have multifaceted results that last for generations. Since our impact is collective, coordination of our activities must also be collective.

Peter:

In this image of Canada in the winter, it almost seems as if people leave no mark. Yet by zooming in many times, the mark of people upon the land becomes clear. This image of Meadowbank Mine shows just one of the many development projects underway or proposed throughout the territory. By establishing what is important to protect before development occurs, we can both learn about those things and protect them in a coordinated fashion. This creates greater clarity on the valued components to be considered by an environmental assessment process. Also, we can consider social, economic, and wellness effects in a coordinated fashion from the start instead of asking proponents to do so in a piecemeal fashion for every project.

So how do we develop responsibly? How do we ensure that the Arctic in a century will be as pristine as it is in this image? To help us plan effectively, we need to understand what the appropriate relationship is between humanity and Earth.

The first perspective is highly conservationist. In this perspective, the role of humans is to guard the Earth. It is our sacred trust. We must not harm anything, and to some degree, anything we do will take away from a natural perfection. The opposite perspective is that the Earth is a gift to us as a species, and we may use it however we will to benefit us.

Inuit Qaujimagatugangit – IQ – would have us understand something else. It would view humanity as a part of dynamic ecosystem: not only taking but giving; not only using but guarding; not only but protecting but preserving; thinking of humanity as an apex species in an ecosystem. Our role is to tie and to bind. Planning is about formalizing and coordinating the stewardship role of our race.

Brian: The Nunavut Planning Commission creates those plans in coordination with all of our planning partners. We are merely the ears and the pen. Together we can create a Plan that will steward the land effectively for this generation and for all the other generations to follow. The Nunavut Land Claims Agreement provides fundamental guidance on how the Commission must conduct land use planning. Article 11.2.1 includes these statements: The following principles shall guide the development of planning policies, priorities and objectives:

- A) People are a functional part of a dynamic biophysical environment, and land use cannot be planned and managed without reference to the human community; accordingly, social, cultural and economic endeavors of the human community must be central to land use planning and implementation.
- B) The primary purpose of land use planning in the Nunavut Settlement Area shall be to protect and promote the existing and future wellbeing of those persons ordinarily resident and communities of the Nunavut Settlement Area taking into account the interests of all Canadians; special attention shall be devoted to protecting and promoting the existing and future well-being of Inuit and Inuit Owned Lands.

Peter: The Nunavut Land Claim Agreement, Article 10, sets up three levels or filters to project assessment. The land use planning filter is handled by the NPC. It looks at the broadest perspective. It considers regions, ecosystems, and the territory as a whole. The intention is that regional planning will be guided by IQ and identify key factors of concern and consideration.

The environmental assessment filter looks at individual projects and is handled by the Nunavut Impact Review Board. With key factors of concern identified by the NPC, and eventually we hope ecological baselines and thresholds articulated, the NIRB looks at the impacts of the proposed projects through mitigation strategies and recommends terms and conditions.

The water-licensing filter is handled by the Nunavut Water Board. The NWB looks in detail at chemical and physical impacts to water in Nunavut to ensure the quality of water in streams and in lakes. Its work is, for the most part, based on hard science.

Planning allows the projects to fit into the overall development strategy of Nunavut. Environmental assessment assures those projects have minimal negative impacts. Water licensing looks closely at factors that impact water quality and quantity.

Jonathan: In 2007, as part of a collaborative effort to develop broad planning policies, objectives, and goals, the NPC, federal and territorial government departments, and NTI engaged in a series of comprehensive consultations. This process resulted in the identification of five broad goals with policies and objectives to support land use planning in the Nunavut Settlement Area:

- Goal 1: Strengthening partnership and institutions.
- Goal 2: Protecting and sustaining the environment
- Goal 3: Encouraging conservation planning
- Goal 4: Building healthy communities
- Goal 5: Encouraging sustainable economic development.

Each of the last four goals has a corresponding identical chapter number in both the Draft Land Use Plan and in the Options and Recommendations Document. The Options and Recommendations Document documents the background and rationale for the decisions that are included in the Draft Plan. It identifies the information that was considered for each issue and presents recommendations for how the issue should be managed in the Draft Plan. Although the Options and Recommendations Document is not technically part of the Draft Plan, it is the primary resource to understand why the Draft Plan recommends the land uses that it does.

Peter: The most recent version of the Draft Plan was released in June 2014. We wanted to introduce the tools the Draft Plan uses to provide direction. These are:

1. Prohibited uses, which identify incompatible land uses that do not conform to the Plan. Project proposals that involve a prohibited use would not be allowed in certain areas. The Plan can also identify specific requirements, the contravention of which is an offense under the Nunavut Planning and Project Assessment Act.
2. Terms, which identify requirements such as setbacks that land users must follow as well as areas where there is cumulative impact concerns.
3. Priorities and Values, which 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. They do not directly impact conformity determinations. Instead, they are listed in order to assist proponents in the development of their project proposals by helping them ensure consistency with community values.
4. Direction to Regulatory Authorities, which identify issues that regulatory authorities, where appropriate, need to address during the regulatory review of project proposals. Direction does not influence conformity determinations but does ensure that the values of the land to be impacted by a project are being appropriately considered.

These tools will be discussed in more detail during the course of this meeting. Land use designations mix the four land use tools I just described in different ways to manage land use. There are three types of land use designations: Protected Areas, Special Management Areas, and

Mixed Use. On the map, you see Protected Areas are green, Special Management is orange, and Mixed Use is gray.

The Protected Area type prohibits certain and particular uses of land that are incompatible with certain environmental and cultural values, and may identify terms to guide land use and/or direction to regulatory authorities. The intent of Protected Areas is to support environmental protection and cultural priorities. Protected Areas have prohibited uses and may also have terms and direction to regulatory authorities that is intended to give strong protection to one or more aspects of considerable value. For clarity, this can mean that a mine or a road or an oil well may be allowed in a certain protected area, but that certain values or ecological resources will have to be carefully protected during the design and assessment of that project. You have to take each polygon individually, because each site designation will be separate. Protected Areas should not be thought of like parks. For example, a Protected Area...sorry I'll skip that.

Special Management Areas may restrict access to some uses or prohibit incompatible uses. Their purpose is to support the identified values of an area. They are shown as tan. They may also identify terms to guide land use and/or provide direction to regulatory authorities. Compared to Protected Areas, SMAs provide more flexible management of environmental and cultural factors. It is important to note that SMAs also provide management for other values including areas of economic potential, as well as areas with existing land uses. Again, for clarity, this means that a mine or a road or an oil well or another development may be allowed in certain individual Special Management Area polygons depending on the stipulations on that particular polygon, but that certain values or ecological resources will have to be considered during review and assessment. SMAs should not be thought of as the same as conservation or restriction zones.

Mixed Use areas, which are gray, allow all uses and may identify certain direction to regulatory authorities. As presently drafted, Mixed Use does not place restrictions on land and does not place restrictions on major infrastructure, but direction to regulatory authorities may still be applied. All project proposals that are submitted to the NPC would conform to the Plan and would need to conform to the Plan to be approved. All proposals would still be subject to review by other regulatory authorities, and the Plan identifies the factors that the regulatory authorities need to consider. Thank you.

Jonathan: In addition to the three types of land use designations, the Draft Plan also includes a separate map – Schedule B – that provides direction to regulatory authorities as well as identifies watershed boundaries. This map identifies issues or values that regulatory authorities need to address during the regulatory review of project proposals. For these issues, there may not have been enough information for the NPC to provide clear direction, but it may be possible for regulatory authorities to address the issues through the regulatory review of project proposals. Schedule B provides a 'head-up' of values or resources of importance in certain areas that should be considered in any regulatory or environmental assessment process.

Perhaps the most important aspect of this are the Community Priorities and Values that were identified through use and occupancy interviews with residents, and during community consultations on the Draft Plan. Providing these Community Priorities and Values to proponents and regulatory authorities will ensure that community concerns are considered at an early stage in the design and regulatory review of proposed activities, as well as in how they are conducted.

Brian: The Draft Plan has been updated to reflect years of consultation, but the document is still not complete. The final public hearing on a draft plan is required before it can be submitted to the governments for approval and to designated Inuit organizations. 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 Nunavut Land Claims Agreement. The Commission intends to fly five participants from each community to Iqaluit for one comprehensive public hearing. This Technical Meeting, and the two previous meetings, as well as an upcoming prehearing conference, will set the stage for the public hearing.

No land use designation is perfect. There are often tradeoffs. Each option will have different benefits, costs, and foregone opportunities. In some cases, additional analysis with clear articulation of alternatives may be required to support decision-making. The Nunavut Land Use Plan lays out the interests of Nunavummiut, making it straightforward for the proponents to know how to align projects to fit within community needs and wants. The Plan will encourage investment and prevent conflict between developers and Inuit. The Technical Sessions will present an opportunity for us as working professionals to review the issues and develop recommendations for refinements to the Draft Plan.

This agenda for this Technical Meeting focuses on issues that participants have raised through previous submissions that would benefit from additional discussion. Any refinements have to be based on strong data, founded arguments, and discussed in an open context. This meeting is an opportunity to discuss potential refinements to the Draft Plan and consider what the implications may be. We are here to attempt to bridge any differences in datasets or interpretations, including layout options and alternatives to address those issues. Our cooperative work here will greatly increase the speed and effectiveness of the public hearing and also ease the task of ministerial teams for a final adoption. Qujannamiik. From this point, that is our presentation.

David: Thanks, Brian, Peter and Jonathan. I'll do a quick roundtable if there is anybody who would like to respond to the NPC presentation or to add anything at this point. Spencer, anything?

Spencer: Nothing.

Miguel: Brian, at the start when you were doing your opening, you said that there would be a full review a minimum of every three years. Could you clarify that or expand upon it?

Brian: The Commission has agreed and has been discussing a review process for the approved Plan once it's in place. That review process will be...I can say it this way: It's sort of an internal review leading up to possibly a full public review. That internal review would consist of staff or experts within the Commission going through all of the terms, recommendations, requirements, what have you, within the Plan. In monitoring how those terms and conditions are directing development, that three-year review would possibly lead up to a full public review. That will be determined internally. Qujannamiik.

David: If I could ask you to introduce yourself before, just for the record.

Miguel: Sorry. That was Miguel. Miguel from NTI. Brian, if I could, would there be community consultations involved in that review process that you're talking about – the three-year review?

Brian: Not within a three-year period. That initial three-year period would be used internally to determine whether a full public consultation process will be required. That would probably be determined after the three-year review internally. Now at the same time within that three-year review, we may receive comments and concerns from planning partners like yourself or the government that particular issues might need to be revisited. That again would be used to determine internally whether there is full consultation required. Qujannamiik.

David: Thanks, Brian. You okay? Bert, any comments?

Bert: Thank you. It's Bert Dean with NTI. Thanks for the presentation. Some of it is a review, but I think it's helpful to sort of go through some of the goals and objectives, etc. that were identified there. I guess the one area in terms of the community priorities that has been a big concern from NTI's perspective is – and again using some of your language – how do we work cooperatively to get that perspective from the community level? Has there been any further thought to how we could achieve that? We have been providing some comments. A lot of work has been done, and we'll get into that later this week, but how do we provide some of that feedback at the community level and get their input? I'm just wondering if you could respond or help us with that. Thank you.

David: Brian?

Brian: Thank you, David. Brian Aglukark, Planning Commission. I don't want to get too hung up on that process right now. It could initiate a whole can of worms, and I prefer that we move that towards the end. I do understand that NTI will not be here, but one of the things that we'd like to do is clearly have an opportunity to discuss that with an approach that was sort of suggested by QIA. There are some ideas that have been put forth that we are going to try to work with QIA on. Again, after we go through the agenda items, that's something that we can possibly pursue and get some clarification on. Qujannamiik.

David: Thanks, Brian.

Bert: Yeah, thanks Brian. I think we'll just wait until later as we get into the agenda itself to go through it, but yeah, thanks for the presentation.

David: Thanks, Bert. Sophia?

Sophia: Sophia with the Nunavut Impact Review Board. Brian answered my question on the three-year review, so thank you.

David: CWS? Sorry, Jonathan?

Jonathan: Sorry. Thanks, David. This is just an administrative note. We're getting messages that it is difficult to hear on the phone, but I think if we turn up the volume any more in here, we'll get feedback. So if everyone could just make an extra effort to really lean in and speak into the microphone, it will help the people on the phone hear better.

David: Thanks, Jonathan. Is there any chance that we can improve the phone quality during the next day or two?

*(Brief pause)*

The answer apparently is 'no' folks. I guess what I'd suggest the people on the phone do is as we go through the roundtable, if there are any questions at all or any concerns, let us know. But it may be that I'll go to the phones more frequently just to double-check. We'll just have to be patient, all of us. CWS? Bruce?

Bruce: Thanks, David. Bruce MacDonald with Environment Canada, Canadian Wildlife Service. Actually, sorry – Environment and Climate Change Canada, Canadian Wildlife Service.

*(Laughter)*

Just a follow-up question on the review period if I could, because I want to make sure I recorded my notes correctly if I could. So what I heard was internal review by staff every three years and during that process, there would be a determination if a public review is necessary. Did I capture that right?

Brian: Brian Aglukark, NPC. Yes, you captured it correctly.

Bruce: Thank you. So then my follow-up question would be then, is there as part of this process...Does the Planning Commission have a timeframe when there would be an open public community session? So for example, if you go through three years down the road and the determination is 'no,' you go through another three years down the road. Like when does it come back to the public, I guess, in that process? I hope my question is clear.

Brian: Qujannamiik, David. The Claim clearly specifies or directs NPC to review a plan periodically. The approach we're currently taking is a three-year internal review. If the Commission determines that a full public consultation process is required, that's up to the Commission. I don't want to speak on behalf of the Commission in terms of how a timeline should be worked out. At this moment, the best I can say is it's an internal three-year review with staff. It will be decided by the Commission from that point on whether it should go to the public or not. In terms of timelines, I can't tell you. But specifically, though, there will be a three-year internal review, every three years. Qujannamiik.

David: Thanks, Brian. I guess Bruce – and for the others here – as Brian mentioned at the outset, there's no impediment to people in that period suggesting that there be a public review. So I think I'm reaching here, but I suspect the Commission would be responsive to interventions from outside parties. Alright, let's just go around the table.

Barney: Thank you, David. Barney, Mayor of Chester. We don't have anything to question or comment at the moment.

David: Thanks, Barney. Jackie?

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. Thank you to the NPC staff for the presentation. It is always helpful to be reminded of the work done to date and the future following steps. I don't have a question really, just a comment. I wholly appreciate the work of

NPC and its responsibility for working with the multiple organizations that have been created within Nunavut.

Specifically, I took note in your presentation about NPC's somewhat direct relationship with NIRB and the Nunavut Water Board. And while I understand those are central regulatory bodies, for the organization I represent, the role of the Nunavut Wildlife Management Board represents an important regulatory body for wildlife management, and specifically the concerns and considerations of the habitat of that wildlife in all aspects of Nunavut's business. So I guess it's an encouragement to NPC to also consider their relationship with that IPG. As for the HTOs and the Regional Wildlife Boards in Nunavut, they communicate directly with NWMB, more so than the other regulatory bodies. We are building a relationship, but I just wanted to point that out. Thank you.

David: Thanks, Jackie. Any comment? Round-the-table continuing... GN?

Denise: Denise Baikie, Government of Nunavut. Thank you for the presentation, and we look forward to participating in the meeting this week.

David: Brandon? Leslie?

Leslie: Leslie Wakelyn from the BQ Caribou Management Board. My question, I guess, is related to the timeline and the process. I'm wondering how new information will be incorporated and used, and will the Plan be revised based on new information? And at what time would you make a determination to do that, and based on what kinds of input, I guess?

David: Brian?

Brian: Qujannamiik, David. We hope to have an open discussion on our perceived, our hopeful milestone for the following months leading up to the public hearing in November. In those steps, as we go through the next few months, we have some dates that we are going to be providing to the floor - deadlines for submissions and deadlines for possible expert reports that other bodies may have. So at this moment, again, at this point if I may, we will clearly map out a process before the end of the week. Before this session is over, everybody will understand the proposed timelines that we want to meet. We will clearly demonstrate what we expect from our planning partners in terms of written submissions or comments or reports that they may want to provide to the Commissioners. Qujannamiik.

David: Thanks, Brian. So I will remind the Planning Commission of that as we go forward, because I think everybody would really like to see the next few steps mapped out clearly and finally. Luis?

Leslie: Sorry. Can I just clarify one thing? My comment wasn't phrased properly, I guess. I meant not only was the question about new information for developing this Plan, but also after the Plan is finalized, how will new information be incorporated and used, and how will decisions be made as to whether changes need to be made?

David: Thanks, Leslie. Brian?

Brian: That seems to be a similar question that was asked by a person down at the table. I don't remember who it was. But again, the Commission has committed to a review of the Plan, which is in place every three years, and any information that's provided to the Commission will be considered as part of an internal review whether it should be moved forward to a full public review for amendment of that Plan. Qujannamiik.

David: Thanks, Brian. If I can add: My understanding at least, is that the Commission staff and Commission are open to comments at any point, and they will determine the urgency of those comments in real time. So I think that as the Plan develops, and it will develop over the coming years, people can provide comment at any point and raise concerns at any point, and the Commission will give those due consideration. Yeah, Brian?

Brian: Yeah, thank you, David. Brian Aglukark, Nunavut Planning Commission. And further to that, the Claim clearly identifies that anybody that's affected by that Plan can request an amendment to the Plan, the existing Plan. So that's another avenue that other agencies can take as well. But yeah, for sure, we are constantly receiving comments, issues and concerns related to land use all the time. The door is always open so to say. Qujannamiik.

David: Thanks, Brian. Any further comments from around the table? No? Then let's go to the phone. Liz, any comments from the Chamber?

Liz: Hi. Thank you, Mr. Chair, and I apologize. I'm having a hard time hearing the comments that are around the room. So I guess my opening remarks or what I'm about to say may seem a little out of context. I apologize for that, but I thought I'd raise them now, as good a time as any. So, can you hear me okay?

David: Yeah, actually we can hear you crystal clear. We'll work on this end and see if we can't improve things.

Liz: Awesome, good. Thank you. I just want to raise just a couple of concerns that we had in terms in terms of the preparations and I guess the preliminary stages of this third Technical Meeting. The first point I just wanted to raise was that upon review of the Considerations for Potential Refinements of the 2014 Draft Nunavut Land Use Plan document that was distributed, we were concerned. And we have put this in the form of a letter to Jonathan and the NPC staff that we felt that, or we reviewed the document and noted that a number of the comments that were provided by the Chamber in the June 23<sup>rd</sup> submission to the Land Use Plan have been excluded from this document. So that's a particular concern for us, particularly with regards to the upcoming caribou discussion. So I just wanted that point raised. And we will obviously, when that comes up on the agenda, we'll be talking more in depth on that.

The second item I do want to raise, and again it's somewhat related to the first, but the caribou workshop that was proposed as an action item from the second Technical Meeting this summer did not take place. Despite several attempts on the part of the Chamber of Mines, including even the preparation of an agenda for review, the meeting did not take place, and that is of concern to us, because Industry would very much like to participate in those discussions. So we want to raise that we felt that was an important action item that did not take place.

Thirdly, and I guess this is specific to just this process, we felt that the notification for this meeting was relatively short notice that came out just before the Christmas holiday. So although I couldn't hear all names around the room, I'm anticipating it's a smaller group than what we had in Iqaluit this past summer. Certainly myself, and a number of Industry members of the Chamber, would have made plans to come to Rankin Inlet and participate in this meeting, but we just didn't have enough time to prepare for travel and what not. So I just wanted to raise that, that it was a concern, and certainly don't want to seem that Industry and the Chamber of Mines is not interested in this process, because we very much are. We want to maintain a level of involvement that we make sure that our interests are being heard. So I just wanted to make those opening comments, but thank you for allowing me to speak. Thank you.

David: Thank you, Liz. Message is received. Anything from the Planning Commission in response? Brian?

Brian: Just a couple of points, I guess, to the comments: The first is about the timelines on notice. The Commission does have in place rules and procedures in conducting these kinds of sessions, technical sessions, what have you, public hearings. In those rules and procedures, it clearly provides a timeline of 15 days for notices, so we were well within that timeline. That notice was sent out a month before the Technical Session, and again, all the submissions are available online for everybody to review and consider. I just wanted to make that comment about that. In terms of our rules and procedures, we were within our timelines for notice.

With regards to the caribou workshop that was cancelled, there was clear agreement from the floor with the NPC and the NWMB to conduct a joint caribou workshop at the time in July, towards the end of that session. Then as we were leading up to drafting an agenda for that session, the NWMB walked away from that approach, that process. So NPC at that time decided that it wouldn't be appropriate to proceed with the caribou workshop. The Technical 3 Session is in replacement of that proposed caribou workshop. So I'll just leave it at that, David. Thank you. Qujannamiik.

David: Thanks, Brian. Liz, were you able to hear that clearly?

Liz: I'm sorry. No, I couldn't hear anything.

David: Okay, apologies for that. We will continue to work on the communications. To summarize what Brian said, basically the notice went out about a month in advance, well within the normal procedures of the Commission. But having said that, I think we all appreciate that as much notice as possible needs to be given for people who need to travel and who have busy schedules already.

In terms of the caribou workshop, the initial plan to jointly with the Nunavut Wildlife Management Board host a caribou workshop didn't play out. Nunavut Wildlife Management Board went ahead with a separate caribou-focused workshop, and a number of other workshops related to caribou were held by other parties.

And a third point...or was there a third point? I think that was it. Okay. But again, my apologies to the folks on the phone and my encouragement to people here in the room to bring the mikes as close to yourselves as possible when you speak. Were you able to hear that at least, Liz?

Liz: Thank you. Yes, I got the two points. Was there a comment on the first point of the Chambers' comments being excluded from the discussion document? Is there a plan to revise the Considerations document?

David: Jonathan?

Jonathan: Hi, Liz. Thanks. This is Jonathan. I hope you can hear me. Two points on the inclusion on comments from the Chamber: The document wasn't intended to be a comprehensive summary of every comment that has been provided by any participant through the process. It flagged some comments that Commission staff felt would benefit from additional discussion at this meeting. So there are many comments from the Chamber that have been received and noted and understood and are not requiring additional follow-up discussion. So if your comments aren't in that document - that is okay. We're going to talk about all of these issues, and if we have omitted a comment on any of these particular issues, we encourage you to raise that comment again.

And in particular, in regards to the caribou section, we had to put a brief note in there noting explicitly that it wasn't a comprehensive summary of all comments, because we've received dozens and dozens of pages of comments on the caribou issue. It was a brief summary. We appreciate the caribou discussion will be lengthy and varied today, so apologies that we did not include comments from the Chamber on that particular issue. But we've not included comments from many participants on that particular issue of caribou. Thanks.

David: And Liz, if I could just add. My understanding is that there will be, I'll call it a new document sometime in late spring released. That new document will form the basis of the discussions moving forward, including the public hearing. So at that point, you will see very clearly how your comments and concerns have been addressed by the Commission. I may be overstepping the bounds here, but that's my understanding of it. So, simply because your comments haven't been captured in the Considerations document does not mean in any way that the Chamber's comments or anybody else's comments have been ignored or rejected. It simply means that the Commission staff has enough clarity that they don't need to pursue that particular element further at this time. But again, as Jonathan said, feel free to raise it and emphasize whatever points you like as we move forward today and during the coming months.

Are there any other comments from people on the phone? And actually those who joined the call in the last 30 minutes or so, could you identify yourselves?

Deborah: Thank you, Mr. Chair. It's Deborah Boshaw, Fisheries and Oceans Canada.

David: Thanks, Deborah. Any comments to date?

Deborah: Nothing at this time. Thank you.

David: Thanks. Anybody else on the phone who would like to make some comments or response to the NPC presentation?

*(No response)*

Okay, thank you very much for that. We'll now move into the first more detailed agenda item, and that would be polar bear denning areas – whoops, sorry – walrus haul-outs. And I'll turn to NPC to lead that discussion.

## **WALRUS HAUL-OUTS OVERVIEW**

Peter: Thank you. So if we turn to page 3 on the Considerations for Potential Refinements document, you can follow along. I'll just repeat that. If everyone can turn to page 3, we can all follow along.

So walrus haul-outs: The way it's dealt with in the current draft of the Plan is the walrus haul-outs have been marked as a Special Management Area, and the terms are that the project proposals within the walrus haul-outs would be sent to NIRB for screening where there are concerns related to cumulative effects.

I won't read over the additional considerations from the participants and what they said about walrus haul-outs. Under the Option, staff identified two options. There's always a third option to leave it as it is. But we'll go over the two options we are suggesting. So we remove the term relating to cumulative effects and instead make the walrus haul-outs into Protected Areas, which would have setbacks including marine setbacks. And those marine setbacks would be subject to safe navigation. So basically creating Protected Areas would cover the islands and the area around those islands and setting up marine setbacks to protect the walrus haul-outs from unnecessary incursion. That's one option.

The other option is to remove the term as it's presently listed and go the other direction. Make what is now a Special Management Area into a Mixed Use designation and just have a mark on Schedule B saying that these are all walrus haul-outs and need to be considered carefully during the regulatory review. And this means the walrus haul-outs would move from Schedule A to Schedule B. Thank you.

David: Thanks, Peter. Comments from folks around the floor? Which option from the three potential options would you prefer?

Spencer: Spencer Dewar. I guess we'll kick this off. We see this issue and even the next one to some extent, closely linked to #19 and #20. If we had a better understanding of what was being proposed under the direction to regulatory authorities, we could probably solve how we want to proceed on at least the first two options.

David: Thanks, Spencer. I suspect the folks on the phone had a hard time hearing you, so if you can remember to pull the mike closer. Jonathan, do you want to comment on that, or Peter?

Peter: This is reasonable to the Nunavut Planning Commission.

David: Which means exactly what?

Peter: Sure, why not?

David: So do you want to move to that agenda item now in other words? I mean I think what Spencer was saying is that there's a bigger picture issue here to resolve before you get into the more detailed ones.

Peter: Peter Scholz, Planning Commission....

David: Brian?

Brian: Thank you. I'm wondering if we can take 10-15. It's 10:15 at the moment. We can huddle and discuss this particular issue. Thank you.

David: Jackie?

Jackie: Hello. Jackie Price with the Qikiqtaaluk Wildlife Board. I wholly respect the argument that the Government of Canada is making, but as a representative of the local HTOs, I would like an opportunity to speak about the importance of walrus haul-outs and feel that this discussion is still important to have. Thank you.

David: Okay. So, Jackie, how much time do you think you would like?

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. I might need 10 minutes, but I don't know about the rest of the gang.

David: Okay, I'm just debating whether or not we break now and have a little caucus or offer you the opportunity to kind of lay the groundwork a little bit more. Why don't I ask you to take 5 minutes or so and then we can break.

Jackie: Thank you. It's Jackie again. I'm happy to speak, but I'm not sure if NTI, the Kivalliq Wildlife Board or the GN...you know, I'm not sure about the interests of the other parties.

David: Alright, well let's caucus then. We'll break and then we'll get back to it. But I didn't mean that the others wouldn't have a chance to comment either. I just thought you could set the context a little more clearly. But we'll break for 15 minutes and I'll ask NPC and the others to get together and decide how we're going to proceed here. Thanks.

## **BREAK**

## **DIRECTION TO REGULATORY AUTHORITIES AND CUMULATIVE IMPACTS REFERRALS**

David: During the break, folks decided to move to direction to regulatory authorities, and we'll get NPC to summarize the state of the art there and then open it up for discussion. Then we'll focus on the specific issues that follow. If there is anybody is on the phone, can you tell me whether the sound is a little clearer?

*(Affirmation of clearer sound was noted).*

Great, thank you. Alright, NPC, who's on first?

Peter: Peter Scholz, Nunavut Planning Commission. Thank you, David. As per Government of Canada's suggestion, we're moving #19 and #20 to essentially numbers #1 and #2. And the walrus and polar bear will move effectively to #3 and #4. Because #19 and #20, which are direction to regulatory authorities and cumulative effects referrals are somewhat tied together, I'll summarize both now so we can have a more holistic discussion.

So, if you will turn with me to page 36 of your document, to #19 direction to regulatory authorities. The issue here is should direction to regulatory authorities be refined to clarify the intent of direction to regulatory authorities, and this is based on comments from Government received in June. The options that we identified – of course status quo being one of them – if you go down to the bottom of the page is #1: Consider including specific conditions for land use where there is sufficient information available to justify such a condition. The implication of this would be that instead of having direction to regulatory authorities, there would be conditions in the Plan.

The second option is to consider changing the wording of 'direction to regulatory authorities' to 'information for decision-makers,' i.e. the value of certain issues or valued components should be given particular consideration in the screening and review of project proposals within this area.

So I'll jump immediately to #20, which is on page 37, and the question is, "Should the Land Use Plan identify areas where there may be concerns regarding cumulative impacts?" The way it's worded right now, there are polygons, typically Special Management Areas, where certain values are listed – polar bear being one of the best examples. If a project is proposed within these polygons, this increases the likelihood that it would trigger a cumulative effects referral to NIRB, even if the project is not listed under Schedule 12-1. Right now in the Plan, this is applying to, as I said, polar bears but also migratory bird habitat, walrus haul-outs, caribou calving and post-calving areas with high mineral potential, heritage rivers, and some community drinking water source watersheds.

If we move to page 38, the first option that we identified was to consider removing cumulative impact referrals as a term of the Plan. The implication of this would be that unless there are other refinements, the following Special Management Areas would become Mixed Use, and they would be moved from Schedule A to Schedule B. These include the SMAs I listed a few moments ago.

The second option is to consider including considerations for referring project proposals normally exempt from screening to the NIRB due to cumulative impact concerns.

Jonathan: Hi, this is Jonathan from the Planning Commission. So the option here is that currently we consider cumulative impact referrals on the basis of an internal procedure, and we have 5 questions that guide our decision-making, and those are listed. The Government of Canada provided a comment that suggested some slight wording changes and additions to that list, and have recommended that be included in the Land Use Plan. So rather than the Commission's process for determining if there are concerns regarding cumulative impacts being managed by an internal procedure, we would put something in the Land Use Plan itself that would guide Commission staff in determining if there are concerns regarding cumulative impacts. So we're looking for some feedback on those options from participants.

David: Thanks, Jonathan and Peter. Spencer?

Spencer: Spencer Dewar, Government of Canada. The reason we asked to rush this up on the agenda... As soon as someone starts talking, it seems like someone calls in.

*(Laughter)*

David: It's just you, Spencer.

Spencer: And Peter... It's not to diminish the importance of the walrus haul-outs or polar bear denning, but we see this as a larger issue on how the Land Use Plan designates Special Management Areas. How we've explained it in our original position is we see a...We don't like the term, 'direction to regulators,' and we prefer to see 'information for decision-makers.' We feel if the Commission has enough geospatial information and biophysical information, the Plan should be able to directly through its own conditions, impose protections, right? So, that's the position we'd like to see. Would you like me to explain our thoughts on the cumulative impacts referrals at the same time or should we segregate them?

David: Sure, why not.

Spencer: Excellent. I think we're leaning towards Option 2. We think that it comes pretty close to what we proposed in the first two Technical Sessions. We're encouraged that the Commission is going to make public some things that will help their decision-making when it comes to cumulative impacts referrals, and I think we could get behind these being captured in an internal procedures document that was publically posted that people could review from time to time.

David: Alright, thank you. Jackie, do you want to add your comments, or NTI? First, any response from NPC on Spencer's comments?

Jonathan: Yeah, I'd just like to note that issue of identifying conditions in the Land Use Plan rather than direction makes complete sense, and that's what we've been trying to do throughout this process. Where there is clear agreement or consensus on a condition that would be appropriate to apply in a particular area, we would have no trouble putting that in. So the idea of the migratory bird setbacks as an example – we'll get to those in another topic – but that was included as direction to regulatory authorities, because we didn't have the specific locations to make that conformity determination ourselves. If we're provided additional information, we can do that, and the Commission fully supports having conditions where we have enough information to do so.

David: Alright, thanks Jonathan. Bert?

Bert: Thank you, David. Bert Dean with NTI. I haven't had a chance to talk to Naida and my email is not working too good here, but she may want to comment on this first. Miguel may add a bit further if need be. I'll maybe just turn it over to Naida on the phone if I could, and we could add if required. Thanks.

David: Naida, go ahead.

Naida: Yes, I've also been having trouble with my email, so I don't think our team has been able to communicate. We did not focus on this item. The NTI and RIAs' submission, we were looking to see particularly sensitive direction to regulatory authority and it being a government area. So we were looking to see what the options are, and we're planning on seeing what particularly the Government of Canada and the Government of Nunavut had to say about these two items, or the item in the options. And I think at this point, we will take into consideration what is being said at the third Technical Meeting and provide further comment.

David: Okay. Miguel?

Miguel: No.

David: Bert?

Bert: Thank you, David. Just to add, and again I don't want to spend a lot of time on this, but this has been part of our challenge, just with the short turnaround. And I'll say it up front, don't expect a whole lot at the moment. Our NTI executive...and I think later in the week our Board is meeting actually in Iqaluit. That's the reason I have to fly out tomorrow. We are reviewing the timeline and schedules and stuff with them, so we're hoping to provide further feedback to the Commission on that part of it.

The other part, and I was talking a little bit to Jackie at the break was we haven't had time to sit down with QIA and KWB on some of the walrus haul-outs and polar bear implications and stuff. So internally, we're going to be looking across at each other a lot this week, and it's going to be very difficult for us, you know, to provide any real meaningful feedback on it. But we are working on it and will continue to do so, because we are committed to this process.

In relation to that - and we have had the document that was sent - I want to thank Naida for doing a lot of the legwork in reviewing it. We've had conference calls with the RIAs to get prepared for this week, but again, it's just Kivalliq Inuit Association that was able to participate. I'm not sure if Luigi has been able to join the call yet from Kitikmeot, but we again will try and provide as much input in some of these as we can. But unfortunately, it's still a work in progress. Thank you.

David: Thanks, Bert. And I certainly appreciate that. I guess what I'd ask people to do is remember that to the maximum extent possible, we want a discussion. I don't think anybody is going to hold others to, or force positions to be taken. But if we can have a discussion and get the interests on the table, then that will certainly help the Planning Commission. So if you and Jackie, for example, haven't had a chance to talk, so be it. But I'd like to hear from both of you as to your thoughts and just feel that we're not going to hold people to the letter of what they said here. We want to get as much as possible for everybody in the room and on the phone some thoughtful discussion so that the Planning Commission then can go away and try to draw out the strongest consensus possible. So no apologies needed, but I'd just encourage people to be as open and as frank as they can be. Vicky?

Vicky J: Vicky Johnston, Environment Canada. Just a question: In #19, you refer to, let's see, what do you refer to? You refer to conditions, and then in #20 you refer to terms. I just want to know if there is any substantive difference in the Land Use Plan between conditions and terms. Thank you.

David: Jonathan?

Jonathan: Thanks, Vicky. The word 'condition' came in through the Government of Canada submission. So the current 2014 Draft Plan uses the word 'term' to mean 'condition.' The Government of Canada used the word 'condition,' so it's used here in that context. I think Government of Canada prefers the word 'condition,' and I guess we'd look for feedback on that as well.

David: Alright, so the terminology will be clarified and clearer in the next version. It is confusing when two terms are used for the same meaning.

Jonathan: Yeah, and to clarify, it's clear in the current Plan; it only uses 'term.' And this document meshes submissions and content from the current Draft.

David: Okay, thanks. Any - sorry, Ken?

Ken: Only because it may help close – sorry, Ken Landa from Government of Canada - to close the loop on that, the reason the federal submission uses the word 'condition' is to track NUPPAA, and our assumption is that as the NPC continues to refine the document, it'll probably standardize on NUPPAA terminology.

David: Alright, thanks Ken. CWS, any comments specifically related to the discussion we're having right now?

Vicky J: If you mean Environment Canada...*(laughs)*...sorry, Environment Canada and Climate Change or whatever we're called, no I think Spencer pretty well echoes what we're thinking. Thanks.

David: Thank you. I'll refer to you as Vicky and Bruce in the future.

*(Laughter)*

Alright, any comments around the table? Yeah, please.

Warren: Thank you. Warren Bernauer for the Kivalliq Wildlife Board. I'll just note at the offset that these issues weren't the focus of our review of the Draft Plan. But a quick comment: On page 38, consider including considerations for referring projects for cumulative assessments – I believe that areas of communities land and marine use for commercial and subsistence harvesting should probably be added to that list. The question is not limited to the following that will assist the NPC staff in determining if a proposal falls under Schedule 12-1. I think there should probably be something explicit about areas of important land use to communities and marine use as well. Thank you.

David: Jonathan?

Jonathan: Thank you very much, Warren. And for reference, the Commission is currently implementing our internal procedure when using this consideration, and we are considering community land use information we have collected through our planning process when considering whether to refer the projects. And generally, that's being caught under the more general statement of C: "A

Sensitive Environmental System,” in that we’re considering most of the information that’s used in the development of this Plan including the community land use.

David: Great. Barney? No? Jackie.

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. Thank you for the information. This is an interesting discussion. In terms of comments, under the direction to regulatory authorities...it’s so funny. I guess I’ve been laughing in my head a little bit, because as an organization that represents community organizations and as an organization that deals with multiple levels of government, whether they say ‘direction’ or ‘information,’ they still kind of tell us what to do.

*(Laughter)*

And I mean that in light. I appreciate the importance of that distinction for multiple levels of government, but for us, just tell us which word to use. But when it comes to the cumulative impacts referrals, I believe Option 2 provides more room for direct engagement by the communities. With that being said, Option 2 will require an intense engagement. It will require critical kind-of consideration of methodology. So what information and how will NPC collect the information needed to answer these questions in its most dynamic form? And I think that will require continual engagement by all the partners around the table. But I do see Option 2 as providing at least the organizations I work with, more opportunity to directly engage with the multiple decision-makers. Thank you.

David: Thanks, Jackie. Any comments? Jonathan?

Jonathan: Yeah, thanks Jackie. I note and appreciate the dynamic aspect that you referred to of the cumulative impacts considerations, and I think that’s part of the incentive for initially keeping some of these considerations out of the Land Use Plan. If it’s an internal procedure, it can be more dynamic, and keeping those questions general so as information changes, we can update our considerations in real time. So if something new is identified, we can immediately start considering that through these general questions. We receive input from any group that a particular area is sensitive for a particular reason. We can begin considering that in these cumulative impacts referrals, which are again to remind everyone, for below threshold projects and projects that are normally exempt from screening. So when we receive those, we’d be able to consider whether or not there is a concern and the ability to do that dynamically considering the most up-to-date information is important.

David: Okay, going around the table. GN?

Denise: Denise Baikie, Government of Nunavut. I’m first going to echo what Bert of NTI said that the short timeline, the GN will have very few formal recommendations to make, but we hope to provide more feedback in our written submission following these meetings. But we hope to have a meaningful discussion here this week.

For issue #19 – direction to regulatory authorities, the GN is partially in support of Option 2. In our submission, we requested that the NPC revise this direction to regulatory authorities wording. However, we will need to review this further and determine our support for the alternate Government of Canada wording that is recommended in this option. And we’re also supportive of

Option 1 to include specific conditions for land use for areas where there is enough information, to echo what Government of Canada said earlier.

And also to note that in the context of caribou, which will come up later today, we have - the Government of Nunavut - has submitted issue-specific directions or recommendations to include for these areas.

For issue #20: cumulative impact referrals, the GN is generally supportive of Option #2 but needs to review in detail the specific cumulative impacts referral criteria outlined by the NPC. And that's all we have to say for now. Thank you.

David: Alright, thank you. Any response from NPC? Okay. Brandon? Leslie?

Leslie: Hi, Leslie Wakelyn with the BQ Caribou Management Board. These weren't our focus either, but I can say that for #19, the BQ Caribou Management Board would support including specific conditions for land use where information is available. That makes perfect sense. And for #20, the Board would not support removing cumulative impact referrals as a term of the Plan, which is Option 1.

That also leads me to ask for a clarification that's probably reflective of my lack of involvement in these other Technical Sessions. Is referral for cumulative effects the only difference between Special Management Areas and Mixed Use Areas across the board?

David: Peter?

Peter: Peter, Nunavut Planning Commission. The short answer is, in some Special Management Areas, yes; in some, no. There are different terms and conditions – excuse me, different terms for different types of Special Management Areas depending on the reasoning that SMA was established.

Leslie: So this will probably need to be discussed further at another item, but I would...yeah I would just repeat that the Board would not want cumulative impacts referrals to be removed from the Plan, and it would support, in general, Option 2 for sure with further refinements to be discussed. Thanks.

David: Ken?

Ken: Ken Landa from Justice Canada. Leslie, I wonder if I can ask for a bit of an explanation on that Board position you just stated on how the Plan should treat cumulative impacts referrals. But before you explain, it might be helpful if I go a little bit deeper into why Canada is saying what it's saying about that issue.

The reason behind Canada's submission is because that power to refer a project for cumulative impacts reasons, despite the fact that project falls into a list where it's exempt from screening, exists throughout the planning region, whether the Plan says so or not. It is a background-planning tool. Canada's concern is that by stating that issue the way the current Draft does, that gets lost. And people might be under the mistaken belief that power exists only where the Plan says so. That's the primary motivator is that people need to understand that that cumulative

impacts referral process applies throughout the entire planning region, not only in Special Management Areas and not only in Special Management Areas where it's explicitly stated.

Leslie: That's great. I was just trying to steer away from getting us into other agenda items, but that would've been one comment that we would definitely be making as well, is what is the significance of having a Special Management Area if the only thing that is used to distinguish it doesn't distinguish it from Mixed Use Areas? So getting into the caribou issue specifically, we can discuss later, but our Board would totally agree with that concern for sure.

David: Jonathan?

Jonathan: Yeah, the Commission appreciates this issue of several Special Management Areas only appear on Schedule A as Special Management Areas because of this term to refer low-level projects to NIRB for screening. And we've listed those in the Considerations there, so it's polar bear denning, walrus haul-outs, some caribou calving and post-calving with high mineral potential, some heritage rivers, and community drinking water supplies. So it's important to note that if that mechanism to note a concern about cumulative concerns is removed as a term from the Plan, it would remove those areas without any further modifications. As from Special Management Areas, they would become Mixed Use and would become direction to regulatory authorities on Schedule B.

Leslie: I guess we're going to have to get into the weeds here then, because basically our point would be specifically for caribou - for calving and post-calving areas with high mineral potential. The way you have them now, they are Mixed Use, because there is no difference between a Mixed Use Area and a Special Management Area, except that you have it on paper. But there is no difference. There is no protection for calving and post-calving areas in the Plan currently with high mineral potential. So that's definitely a concern.

David: Yeah, Leslie, and we will definitely get to that. I can assure you. Luis, any comment?

Luis: Yes, for the walrus haul-out, which is how we started and then we went to this, KIA agrees with Option 2 along with directions to regulatory authorities with some other directions for land use, especially for Southampton Island. And also to review as a comment, to review the maps of the haul-outs and make sure all the haul-outs are actually shows in the map. I have difficulty in our maps and NPC maps in order to – it shows only one in the Kivalliq, but there are other ones, other haul-outs in the Kivalliq. Those don't show on NPC record, so I agree with Option 2 and would put in charge of you those polygons for the land use, in some land use conditions. Thank you.

David: Thanks, Luis. Brian?

Brian: Thank you, David. Quick question for Kivalliq Inuit Association if I may: Would the Kivalliq Inuit Association have maps that show areas for walrus haul-outs in the Kivalliq region?

Luis: Yes, we do, we do have maps. I can provide those to you. We have these maps for shape files.

Brian: Qujannamiik. We look forward to seeing those maps as well. Thank you.

David: Alright, thanks. Thanks both of you. Please...

- Warren: Thank you very much. Warren Bernauer for the Kivalliq Wildlife Board. Just so I'm entirely clear here, if we went with Option 2 under cumulative impacts referrals, so you had removed some of those Special Management Areas, and then there would be another section in the Plan that kind-of explains how this cumulative impact referrals works probably based on your existing internal procedures. Am I correct there?
- Peter: Do you remind restating the question?
- Warren: Not at all. Warren Bernauer for the Kivalliq Wildlife Board. So if we went for Option 2 under cumulative impacts referrals, it would remove these Special Management Areas that contain nothing but text around cumulative impacts. And in that place, there would be a section of the Plan that would explain in detail how cumulative impacts referrals would work in general for the entire Nunavut Settlement Area. Is that correct?
- Jonathan: Yes, I guess that's an option is to remove them from Schedule A barring any other considerations and adding a section describing how the process works. The considerations would be undertaken.
- Warren: I think that sounds like a favorable way of doing it. It would be probably more comprehensive and clearer to anybody who has tried to access this document, how it works if it is approached in that manner. Thank you.
- David: Alright, to the phone: Anybody on the phone with comments on this subject?
- Naida: Hi, this is Naida Gonzalez, Consultant with NTI and the RIAs. On this one, the submission that NTI and the RIAs made in the summer has not changed, that if the only purpose of the Special Management Area is to highlight an existing power that the NPC already has, it adds confusion to the Land Use Plan. NTI and RIAs are willing to look at what a second option would look like. But on this issue, there is agreement with Government of Canada that it is confusing and misleading, and the power that exists at NUPPAA should be clear to all parties and to anyone reading the Land Use Plan. Thank you.
- David: Thanks, Naida. Anybody else on the phone? (*Silence*) Alright, I hesitate to say it, but it seems that we have a near-consensus on the follow-up to this. So we'll park that one for now and I guess go back to the specifics on the other areas, the walrus haul-outs, polar bears, and so on. So, NPC?

## WALRUS HAUL-OUTS

- Peter: Peter Scholz, NPC. So we'll jump back to where we started, which is page 3 of the document. Up on the screen for those who are here, this shows the walrus haul-out polygons that are presently identified as SMAs. For those who are wondering, Walrus Island, so-called, south of Coral Harbour is identified as an Area of Community Interest. It is not identified currently in the Plan as a walrus haul-out. That's why it's not showing on this map. That's all I have to add.

David: And has Luis has committed, you'll get additional maps that may help. Jackie, did you want to weigh in at this point? Yeah, I know, but I think you had the strongest concern. I'll go back to NTI if need be, but any comments on walrus haul-outs?

Jackie: I have a few.

*(Laughter)*

Thank you, it's Jackie Price, Qikiqtaaluk Wildlife Board. I'm a sucker for patterns, so I'm always waiting until they are done. But I'm happy to share some perspectives at least from the staff of the QWB, though I would like to say that the comments I make do represent the concerns raised by our Board, our members, and HTO membership generally. Again, I speak only for the Qikiqtaaluk region.

Our region has 13 communities, all of which harvest walrus at different levels and at different intensities. The majority of our communities do harvest walrus, though it's my responsibility to mention that the communities of Igloolik and Hall Beach, or the area also known as the Foxe Basin, perhaps harvest most intently in our region. The food created by walrus hunting, specifically igunaq, is shared not only amongst community and family but is a delicacy that is prized throughout the region, and dare I say across Nunavut.

So our region is very, very concerned about the wellbeing of walrus and their habitat. As I mentioned at the last Technical Meeting, QWB and six HTOs from our region have been working closely with the Government of Canada's Department of Fisheries and Oceans to develop a management plan for walrus – Atlantic walrus specifically. DFO has been very...their interest in developing a management plan has been very intense, mainly because of their concern of a possible uplisting of walrus in CITES. This concern of DFO reflects the concern of harvesters in our region.

Our community specifically – Igloolik and Hall Beach – have always been concerned about walrus' wellbeing, because walrus represents, you know, a really dynamic force in the community – you know, social, cultural, economic as well. Any discussion that our membership has around walrus and its harvesting always connects directly to walrus habitat. I won't go into a lot of detail, but essentially what we've been told continuously is how sensitive walruses are to noise disturbance, to smell, and to any strong movements, and that any small disturbance will cause walruses to move and change areas.

This is what animals do, of course, right? But communities are always concerned about forced movement - moving animals too often and too quickly. Our communities have stated that very strongly, and it has been acknowledged by science. Specifically it is acknowledged in the proposed management plan for walrus, that walruses are highly sensitive creatures, and their habitat is critical and sensitive as well.

Just for some more information, the importance of walrus and their habitat has been discussed at length with the Nunavut Wildlife Management Board. There have been multiple discussions spanning at least a year and a half and maybe even two, or correspondence of public hearings of resolutions about the importance of, specifically again, the Foxe Basin walrus, but also walrus across our region.

So, I share this with you just to identify that there is significant information available about walrus and their habitat, much more so than has probably been available to NPC and their map-making process. Although I wasn't involved for the community discussions, I am hugely confident that walrus areas would have been identified there as well. Again, I don't have access to that information or to those maps developed at the community level, but what this does point out is that there is a huge need for formal mapping of these areas. Now if I was to talk to my Board, and if they were to talk to their membership, there would be a resounding affirmation that the communities know where those areas are.

Like many of the situations, especially when we're talking about animals, there seems to be that disconnect between what the community knows, or as it is discussed in this agenda about IQ considerations, and the structure of this final Plan. I hugely acknowledge that divide, and it is going to require a lot of work from all of us.

But I will just share with you quickly an experience out of Hall Beach. Hall Beach was involved in – or was it Igloodik? Sorry, I just lost my memory. It was either Hall Beach or Igloodik was involved in sport hunting and tour operators in the area. Hall Beach? It was Hall Beach. There were concerns – community members noticed that the walrus population was starting to be affected. They started to notice lower numbers. And in a discussion amongst the community, they identified the tourism as a potential reason for those lower numbers. So the community took it upon themselves with the HTO to implement a two-year ban on any sport hunting or tour operation. As you can imagine, the community received a lot of resistance, particularly from the tour operators, but the community stuck to its guns and decided, "No, we don't want any tourism affecting the walrus." After a couple of years, the community not only noticed numbers rising to their regular numbers, they actually saw an increase.

So I share that with you because, I mean I do acknowledge there is a gap in the mapping from the community level, but I also acknowledge that communities – they have their finger on the pulse on this. This is what they know, and they just know this. So, in lieu...until we can have a more coordinated effort to bridge the gap between communities and a Land Use Plan, it would be the perspective of QWB to protect walrus haul-out sites within this first generation Plan, and I acknowledge this is a first generation Plan and there is nothing stopping future plans to change its relationship with walrus haul-outs. But at least for the foreseeable future, especially the walrus haul-outs connected to the Foxe Basin region, I can 100% say that the communities would be in full support of 100% protection of that.

Again, I acknowledge that walrus are hunted at different levels across Nunavut, so maybe not all communities or all regions may feel as strongly as the Qikiqtaaluk Wildlife Board, but I guess I just want to make sure everyone hears that we support full protection for walrus haul-outs. I'll leave it at that. Thank you.

David: Thanks very much, Jackie. Any comment? Spencer, anything?

Spencer: Thank you. Spencer. Thank you, Jackie. I guess the Government of Canada's position on this – Option 1: We feel if the geospatial information is out there, and if the biophysical information permits, you know, NPC should be imposing conditions. It sounds like there is a lot of work being done that maybe the information is out there, so maybe we just have to see it. And for Option 2, I

guess our comment would be that instead of 'direction to regulatory authorities', it would be 'information for decision-makers' as a marker. Thank you.

David: Thank you, Spencer. Anything from NPC?

Jonathan: Sorry, just to clarify: Is the Government of Canada sort of supporting conditions to be applied on walrus haul-outs where the information is available? We have several identified in Foxe Basin. Jackie has identified that they are sensitive to disturbance and should be protected. We don't have specific conditions or prohibitions developed for that, but is Canada, I guess, supporting the development of those conditions?

Spencer: We would certainly have to see the details as provided, but you know, if the geospatial and the biophysical information permits and there is a need to move forward with conditions, we'd have to see it. Then we could assess it based on what we saw, right?

David: Okay, thanks Spencer. Any follow-up? Okay, Peter.

Peter: Peter Scholz, NPC. Question for Government of Canada that could be answered in Number #17, which is the marine corridors: Walrus haul-outs are very much both terrestrial and marine. We were looking at if we go with Option A, there would need to be a marine setback subject to safe navigation. So if Government of Canada could look into that aspect and possibly respond when we get down to #17, which is marine focus, that would ensure we have an operational on the marine aspect of walrus haul-outs. Thank you.

David: Alright, so we'll leave that discussion for now. Spencer, did you want to follow-up on it?

Spencer: No, I think that's an excellent example of we'd have to see what the conditions being proposed were before we were able to make any substantive comment on it.

David: Right. Bottom line: the more detail, the better. NTI?

Bert: Thank you, David. It's Bert Dean with NTI. Yeah, we're in a similar position. I don't know if Rosanne or Steven wants to comment if they are on the phone from QIA. But other factors need to be reviewed in more detail before we can provide any full comment on that. So I'll leave it at that for now, but I'm assuming Rosanne or Steven might be on the phone, I'm not sure. But I'll just leave it there. Thanks.

David: Okay, thanks Bert. Any follow-up on the phone on this one?

Naida: Hi, this is Naida Gonzalez. I think Rosanne had to leave the call, so I don't believe she's on. I can say that at the team meeting last week, Rosanne was there when the RIAs and NTI discussed this item. And QIA is very interested in working with the RWOs, with Jackie, to better understand this issue and address it. I believe most of the walrus haul-out areas are in the Qikiqtani, and I believe Rosanne will be getting in touch with the RWO and working with them on this. Thanks.

David: Thanks, Naida. Sophia, any comments? Vicky of Vicky and Bruce? Warren?

Warren: Thank you. Warren Bernauer with the Kivalliq Wildlife Board. I'll just make a couple of brief comments about this, and thank you very much, Jackie for raising this issue and providing so much background and information on it. It's quite useful for us.

As some people have mentioned, there are fewer walrus haul-outs in the Kivalliq region, but there are several near the community of Coral Harbour that the communities have raised concerns about the impacts of marine shipping to these areas, fairly consistently through Nunavut Impact Review Board processes. Now, the KWB's approach to this planning process has been to hold workshops with each community HTO. Unfortunately, due to repeatedly being weathered out, I haven't made it into Coral Harbour yet, which is the community that is probably going to have the most to say about this issue and probably the most knowledge of Inuit Qaujimagatuqangit providing to the whole planning process. I'm hoping to make it there next week. The Coral Harbour HTO as well as the Kivalliq Wildlife Board should be providing – weather permitting – further information about walrus haul-outs, community values associated with these haul-outs, and specific recommendations for terms or conditions - or whatever we're going to call them at the end of the day - to be placed on the walrus haul-outs near Coral Harbour.

The last thing I'm going to raise is actually more of a question to the NPC staff. Your Option #1 would include marine setbacks, and my assumption is that means there would be kind of a buffer placed around these haul-outs where marine ship traffic can't take place. Is that correct?

David: Thanks, Warren. Peter?

Peter: Peter Scholz, NPC. Yes, that was the intention. The marine setbacks would not apply to Inuit hunters though.

Warren: Warren Bernauer for the Kivalliq Wildlife Board. Thanks very much for that clarification. I assume that this is something that the Coral Harbour HTO is going to support, given the number of times they have requested to have marine shipping rerouted away from walrus haul-out areas. Thank you.

David: Alright, thanks. Barney.

Barney: Thank you, David. I have a couple of points to add to Warren and Jackie's comments. Coral has raised the most concerns about the walrus haul-outs and has been consistently requesting for the shipping routes to be rerouted from inside Coats Island to the outside, because they have been seeing some effects on the impacts that the shipping routes have caused.

One of the examples that Chester hunters are seeing is last spring before ice break we had well over 200 walrus within 200km of the community east. We wanted to let our region know. A couple of boats went up there, and little did we know at the same morning before we came in, the ship was in there. That was during ice break, and for the next four days, they hunted walrus and they were gone. That's how sensitive they are to noise. That's one of the points I wanted to include in Jackie's sensitivity on noise and how much they get affected. Warren's right – Coral does raise the most concerns about walrus, and we're hoping that he'll make it there next week. That's all I wanted to add. Thank you.

David: Thank you, Barney. Moving around the room...yeah, please.

Ema: Thank you. It's Ema, with the KWB. Our regional organization, like KWB as well – I was approached by DFO on their work in marine protected areas, and one of them is IFMP for walrus. They wanted some information from our wildlife organization about how they felt about or what they thought about the whole issue. And being in the Kitikmeot, it's generally known no one really hunts walrus. There's no population of it over there. So they had no opinion or comments about the walrus issues, so it was left. There were no comments for DFO, IFMP. So I didn't even ask my Board about walrus haul-outs in your Plan. So I don't expect a lot of concern coming from our wildlife organization. I will relay that information to them in our next meeting, but that's all I want to say about the walrus haul-outs in the Plan. Thank you.

David: Thank you, Ema. GN, any comments? No? World Wildlife Fund?

Brandon: Thanks. Brandon Laforest, WWF Canada. I want to speak in full support of what Jackie was mentioning and thank her for that contribution. I also want to highlight World Wildlife Fund's Community Voices Program that supplies either financial support or administrative support, or whatever is needed for communities to map areas that are of ecological importance. And we would be really interested in follow-up conversations if there was an interest from QWB or other parties where there was a need for some sort of support to get some of areas on maps so NPC can have access to them, whether it's mining information that already exists or holding additional consultations. Because I think it's clear it's great to see these areas on the map, but they are not reflective of the ecological needs of all walrus in the region, and there are additional areas that would benefit from Protected Area status. So, I just want to state our position on that and indicate our willingness to work on this further if there is any interest around the table.

We also had questions about what the restrictions would be, because they are not listed in the Refinements document, but we've addressed that, I think, with a lot of comments. Thank you.

David: Thank you. Leslie, anything? No? Luis?

Luis: Thank you, Luis Manzo, Director of Lands, Kivalliq Inuit Association. We hear around the table all the comments. Walrus haul-outs are very specific habitats. They are limited to the landscape. They usually don't move from those particular locations. Those sites are very specific in the Kivalliq. For management in land use, we never tend to go to those locations because they are very specific. They are a very susceptible wildlife species, and any disturbance they will abandon. It is important to consider those with good restrictions and setbacks for marine mammals.

In talking to the community of Coral Harbour and mapping those areas, they want NPC to actually comment to the community, which are the restrictions and between conservation areas and Special Management Areas that will be in the Plan for them to consider. At the time, it wasn't appropriate for me to actually speak on behalf of the NPC. They were referring to the time when NPC went there. They didn't give them those criteria for each of the classifications. So a Special Management Area will do, depending on the community, but also a conservation area will do, because it will have a special conservation, those considerations will be in the terms, the specific terms and conditions for permit. And this is what I have for the haul-outs. Thank you.

David: Thank you. Any other comments in the room before I go to the phone? Alright, then since DFO was mentioned several times, I'll go to Deborah if she's on the phone to add any comment that you might have.

Deborah: Yes, thank you. I know that we have made several information submissions in the past to NPC. As Spencer pointed out our position – I appreciate the work that has been going into the Integrated Fisheries Management Plan for walrus to avoid the CITES uplisting. I know that as information becomes available, we will continue to provide anything additional that we have.

David: Alright, thank you Deborah. Anybody else on the phone that has anything to add to the discussion? *(No response)* Alright, let's move on then. Polar bear. NPC, who is taking the lead on this one? Peter?

## **POLAR BEAR DENNING AREAS**

Peter: Thanks, David. Peter Scholz, Nunavut Planning Commission. So if everyone moves to page 4, item 2: Polar Bear Denning Areas. I'll read this out, but the easiest way to think of it is the issue and form, but not content, is very similar to the walrus. The main difference is geographic in that walrus haul-outs are small and heavily used by the animal. Polar bear denning areas are lightly used and cover a great deal of area. The polar bear denning SMA- Special Management Area as it's presently written in the Draft Plan – is one of the ones Leslie was asking about, which was the cumulative effects only polygon.

So what we're doing here is we're looking at the current Option, which is a cumulative effects referral polygon. It's not necessarily every project in the polygon will go for cumulative effects referral, but it's a flag that it's more likely to go to cumulative effects referral. Then we're looking at two other options. So I'll read specifically what the Plan says and then go over the two options. But I just wanted to frame it to help people understand the context of this particular issue.

So for polar bear denning, currently Special Management Area of the term is the NPC may refer a project proposal falling within Schedule 12-1 to NIRB for screening where the NPC has concerns regarding the cumulative impacts of that project proposal in relation to other development activities in the planning region. Regulators, where appropriate, are directed to mitigate impacts on polar bear habitat.

The options for refining the Draft Plan are Number 1: Consider replacing the polar bear denning Special Management Area with a Protected Area designation, which would create a new Protected Area, which would cover a large geographic area. And those areas are shown on the map at the present time. Number 2 – and again some are just land-based but most cross both marine and terrestrial, so they sort-of straddle the coastline. Number 2: The other option is consider removing the term related to cumulative effects and replace the Special Management Areas with a Mixed Use designation, which would just provide direction to regulatory authorities. What that means is that these polygons would stop being on Schedule A and they would move to Schedule B.

So Option 1 is moving to a Protected Area. Option 2 is moving them down to Schedule B and just providing information to regulatory authorities. This is primarily polar bear habitat.

David: Alright, let's go around the table. Spencer?

Spencer: Spencer Dewar, Government of Canada. Our position for the polar bear denning areas, I think, is very similar to our position on walrus haul-outs. And your differences were noted, Peter.

David: Okay. NTI?

Miguel: Thanks. Miguel Chenier with NTI, Cambridge Bay. Bert will probably have something to add to this, but we're not going to take a side, I think, on the issue as to what should happen with the polar bear areas. But if they were to go protected, then they would encompass an extra 5 million hectares of IOL. So, quite a bit more analysis would have to happen if we were to make a decision on it. Bert, I don't know if you wanted to add.

Bert: Yeah, I think Miguel's point was made was that it covers such a large area that we need to have that discussion with the RIAs and the RWOs together and what is the best approach. But I know there are concerns, and it is an important species, especially when you go to the community level. All you have to do is call a polar bear meeting, and you'll probably get people showing up.

*(Laughter)*

David: Sophia? Bruce, Vicky?

Vicky J: It's just a consideration when you're thinking about this. This issue lends itself to seasonality, because it's denning and it's in the wintertime when – in marine areas anyway – there tends to not be much activity.

The other thing I was thinking of is this seems to be more of an impact review board type-of-thing perhaps, because it's so widespread with low densities. Thank you.

David: Thanks, Vicky. Warren, anything? Jackie?

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. It's interesting. No other species perhaps – and I think we all know this around the table – no other species has been impacted so much in terms of how it's discussed, how it's managed, and generally the politics around it, more so than polar bears. And this is perhaps one of many sore points for community organizations and for Inuit harvesters specifically, the realization that their relationship with polar bears has largely been mitigated by external forces, by international politics. So just knowing that very real fact changes the nature of how one can talk about polar bears at the community level or as an organization that works with HTOs.

And while I wholly understand that denning is seasonal – and I do wholly understand that it does create more area that has to be protected – I'll just speak directly from my Board's perspective and the membership perspective. They would make the argument for protection of those areas. Like the discussion we had around walrus haul-outs, significant research and energy would have to go into formally mapping those areas, areas that are within Nunavut. And there are a lot of denning areas outside of Nunavut, but significant effort would have to go into formally doing that, and that would require a lot of work.

I'll say again that I think there's a potential, as this is a first generation plan, to identify it as Protected Areas, and that designation can be revisited later on in future generation plans. And I just would like to reinforce again that there have been so much discussions around polar bears – like lots. A lot of has been written down, and the science has been available, and that's held within the Nunavut Wildlife Management Board. So again, I would like to reinforce that is an organization with significant resources – both IQ and scientific – that regulatory boards can have access to. But the participation of the NWMB around wildlife discussions such as this is really central.

And I guess the last point I'd like to make is it's the Government of Canada that continually affirms and discusses polar bear listing within CITES. And as many of us are aware of the COSEWIC process, COSEWIC considers species at risk...One of the factors that influences whether or not an animal is considered at risk is whether or not resource development may be happening within habitat. So decisions we make here directly impact CITES, which directly impacts the Government of Canada and how they talk to communities about polar bear management. So I may be causing a bit of a circle of who-does-what and who's-responsible-for-what, but I just want to identify, I guess the intensity and the dynamic of how polar bears are discussed and how polar bears will be identified within the Land Use Plan will have direct impact on community economic, social, and cultural wellbeing. Communities may not say a lot about a lot of things, but when it comes to polar bears, their voice is strong, collective, and united. That's just something for all of us to remember.

And the last, last point I'll make is, especially within the Kitikmeot - sorry, the Qikiqtani region – our subpopulations, we share subpopulations with other jurisdictions, not only in southern Canada but also Greenland. The work around polar bear management across jurisdictions within Canada and internationally has required a lot of work, and whatever decisions are made here will also impact those jurisdictions as well. That's just a point. Thank you.

David: Thanks, Jackie. Ema, anything?

Ema: Thank you. Ema. I don't really have much to say about polar bear denning areas to be included in the Plan. But I just wanted to echo Bert on how if you call a polar bear meeting, people will show up in the communities, and Jackie said it as well. There have been meetings with polar bears and populations and subpopulations many, many times. I think this situation will present itself. I don't know what else to say about that. Thank you.

David: Alright, thanks. GN?

Denise: Denise Baikie with the Government of Nunavut. The GN is supportive of polar bear denning areas being recognized and visually represented within the Land Use Plan, as we did provide spatial data to NPC several years ago. But given the late notice for these discussions, the GN can make no formal expression of support for either option presented in the Refinements document. We need to do further discussion to assess the implications of the options and to determine what GN's recommendation will be moving forward.

But I do have a question. So as per the discussion around agenda item #19 – direction to regulatory authorities, could a potential third option be a Special Management Area with specific terms and conditions included, instead of just the cumulative referrals?

Peter: Peter Schulz, NPC. Yes.

David: Okay, Brandon?

Brandon: Brandon Laforest, WWF Canada. Given the importance of polar bears and their sensitivities while denning, we think it's prudent to start from a Protected Area standpoint with polar bear habitat rather than starting from a Mixed Use and then referring to cumulative impacts. It would make more sense and be more representative to start from a Protected Area status and then ask people to apply for exemptions, or a Special Management Area, as outlined by the GN, with specific restrictions whether that includes seasonality or not.

But given the importance of the species, I don't think it would be enough to have Mixed Use and then potentially cumulative impacts may be referred. Protected Areas aren't national parks. They aren't restrictive of all uses. Exemptions could be applied for, and I think it would just be...you'd be better able to manage the cumulative impacts on the individual subpopulation level, which is the management unit for polar bears. It's not the species level. It's the subpopulation unit that is the conservation designation for polar bears. For the Land Use Plan to better reflect how the territory and the country and the world, views polar bear conservation, it would be prudent to understand the subpopulation impacts rather than the whole species level. So we think it would make more sense for it to be protected – start from protected and have exemptions be applied for, rather than starting in Mixed Use. Thank you.

David: Thanks, Brandon. Leslie, anything?

Leslie: Caribou people are often – and I mean caribou people in terms of people that work for caribou boards here, so sorry... They are often, I guess, accurately described as people that turn every conversation into a conversation about caribou.

*(Laughter)*

But I'm afraid I can't not follow-up on Jackie's eloquent comments, and Brandon's as well by saying the same conversation is going to occur when we get to caribou. And people need to keep in mind that as Brandon said, Protected Areas in a Land Use Plan are not national parks. But they are sometimes seen to be a prudent conservation measure to start the conversation if everything isn't sorted out yet, if everything isn't on the map yet, etc. Because if you don't start with the conservation level approach and instead you allow development to occur in key habitat areas of walrus or polar bears or caribou, when you come back with more information later, you might not have that option. So I'm just going to highlight that as something to keep in mind.

And the second point is - because people might not understand this or be aware of it -that COSEWIC is currently assessing barren ground caribou. We could be speaking about a huge implication for lots of factors in land use planning and wildlife management if they do indeed uplist barren ground caribou, and people should be keeping that in mind. Because as Jackie said, impacts on habitat and status of habitat are certainly taken into account, and decisions made by

the Nunavut Planning Commission and within Nunavut will also affect other jurisdictions for caribou as well. So since we're talking about high-level stuff here, I raise those issues for people to consider now. Thanks.

David: Thanks, Leslie. Luis? Bruce.

Bruce: Thank you, Luis and David. Just a couple of points of clarification to Jackie's comments here: I just wanted to be clear when you were mentioning the polar bear issue and the Government of Canada are sort of mandate authority, that sort of thing, COSEWIC is an arms-length group from government. So it's not under Environment Canada that group.

There are a whole host of experts including Traditional Knowledge holders and experts, as well as species management experts on COSEWIC. They make their own reports on species, and that does go, in this case, to Environment Canada for us to go out and consult on. We talk to the communities. We talk to the appropriate authorities on, in this case, a polar bear proposed listing. Once we get all that information, then it is up to the Minister to make a final determination if it's going to be listed as per COSEWIC's recommendation, which in this case is of special concern. Or if there is not enough information, she may ask COSEWIC to reconsider it.

So I just wanted folks to remember that when it comes to polar bears, it's not Environment Canada's authority. The authorities in Nunavut for that species would be the Government of Nunavut as well as the Nunavut Wildlife Management Board and possibly others. But it's not Environment Canada.

The other thing I would add is you are correct to say with CITES the international group, Environment Canada does bring those positions for all Canadian populations of polar bears to the international stage. But the information that we bring to that international stage is provided again by the authorities within Canada. So for example, we'd be bringing forward GN and the Nunavut Board's position on the populations within Nunavut. So again, it's not Environment Canada making decisions on that. We rely on others to bring that information to us. I just thought it was important to clarify that. Thank you.

David: Thanks, Bruce. Luis, back to you.

Luis: Thank you. This is a very sensitive issue. NTI speaks in regard to that. I would like the collection at the table to focus on the whole entire Land Use Plan. I mean, Miguel mentioned the impact - if they became conservation areas - the impact that the Land Claim would have in terms of IOL. Unfortunately, people are forgetting the original Inuit associations or NTI per se cannot give indirect management to other organizations in IOL parcels.

This is very legal terminology in the Land Claim in terms of how you would transfer those lands. We don't have that authority. By the designation process, not the NPC but by the conservation process - it's a process in the Land Claim that we need to follow. Other organizations would require a conservation area, a national park, or a territorial park to go through before that designation being accomplished. If the institution doesn't follow those steps in the Land Claim, we'll be stepping over the Land Claims Agreement. Therefore, Kivalliq states the position as mentioned with NPC. We support the actual designation with some directions to regulatory

authorities, because we don't have the authorities to transfer the land. That will require very big, big consultation for Inuit to the beneficiaries in every single parcel.

I will suggest when you make the comments, I mean take all those facts into consideration and not just a conservation area or not just a national park or territorial park – those have a process in the Claim that we need to follow. This is the reason KIA is not overstepping bounds with NTI. If out of the position with NTI, we go by the Special Management Areas with some terms and conditions. If that changes after the meeting with NTI this week, we go by that position as well. Thank you.

David: Thanks, Luis. Jackie, Warren, then we'll go from there, and NTI. Jackie?

Jackie: Hi there. Thank you. Jackie, Qikiqtaaluk Wildlife Board. I wanted to thank Bruce for the clarification he provided. The QWB is aware of the arm's length of COSEWIC and CITES. I did fail to mention the role that the GN does play in polar bear management. Qikiqtaaluk Wildlife Board has been working a lot of inter-jurisdictional issues, and when those issues come up, it is representatives from Environment Canada that do play a lead on that. In those issues, often CITES and COSEWIC are referenced. So, I do understand the distinction, but I just wanted to highlight in what situations the role Government of Canada plays in setting the tone of the importance of the management aspect. Thank you.

David: Thanks, Jackie. Warren.

Warren: Thank you very much. Warren Bernauer for the Kivalliq Wildlife Board. This is a question for Mr. Manzo from the Kivalliq Inuit Association. I just wanted to make sure that I understood his position on this matter correctly. From what I understood, his interpretation of the Nunavut Land Claims Agreement essentially prohibits the Nunavut Planning Commission from creating any Protected Area designation where Inuit Owned Lands are in question without an IIBA and a very extensive process. Am I correct? And if so, which section and term of the Land Claims Agreement are you referring to here? Thank you.

David: Luis?

Luis: Yes, I was very clear in the position of the KIA. We go by the Special Management Area with some terms and conditions by NPC. I was not misleading you in any way. Now the process in terms of conservation areas doesn't involve NPC to make the designations. It's on us to make sure we follow that process as beneficiaries of the Claim. And with that responsibility, in our case, we need to consult all Inuit if that management will be transferred at that point in time. We do recognize that the Land Claims Agreement has already some conservation areas, and we went through the process to establish those areas.

Now, the Government of Canada, the GN and the rest also contribute to the process. And I believe the guidance in the setbacks recognize that, there should be some directions in how those should be. But that's not up to the RIAs or NTI. But there will be a lot of discussion. You hear so many IOL parcels would be affected, and so many rights that have been granted will have a very huge four years of negotiation with the Claim, could be jeopardized. We need to look forward into how we're going to manage that. The NTI hasn't made a decision because of that reason. And I believe it's because of the land titles that we hold in those areas are important as much as the

polar bear. It's very difficult. It's a very difficult position under Article 19 and wildlife article. Thank you.

David: Okay, thanks. I'm not going to get too bogged down. You guys can have that discussion. I think it's a question of distinguishing between formally protected areas under particular legislation and the kind of Protected Areas pursuant to the planning process. So there are nuances there, but we've been over that ground several times, and we will continue to cover it. Miguel?

Miguel: Thanks, David. Miguel Chenier with NTI. Jackie – sorry to interrupt you – I just wanted to make sure I fully understood the comments that you made, which were very good. You said you've endorsed, or your organization has endorsed protection for polar bear denning areas. But you've also said that a lot more research would have to go into establishing what those areas are. So are you saying, then, that the areas that are identified in the present Land Use Plan are not necessarily what you are suggesting there should be full support for? Thank you.

Jackie: Thank you. Jackie, Qikiqtaaluk Wildlife Board. Thank you for the question. I think the point I was trying to raise was echoing what Brandon had articulated in his comments. I think there's an important opportunity that this management Plan start from an area of protection and that research and further community engagement may allow us an opportunity to revisit the specific areas that are protected. I think there is real potential. I think that is an area where communities would be supportive.

So as for the areas that have been identified as Protected Areas, I haven't had a chance to go through the specifics with my Board. And maybe again, that's another discussion that needs to happen, and we've talked about community consultation and going back to the community. I won't enter that discussion now, but that's what I meant. I hope that answers your question. Thank you.

Miguel: Thank you.

David: We'll just take a couple of minutes for folks on the phone. Any comments from people on the phone?

*(No response)*

Okay, so we'll break for lunch...Oh, Barney?

Barney: Sorry, David. Thank you. Barney, Mayor of Chester and also with the Kivalliq Wildlife Board. The Kivalliq Wildlife Board is in full support of the polar bear denning areas. And also since the CITES was brought up, I wonder if there is any way that the Planning Commission would be able to include if any of the parties are wanting to do research on the numbers of the polar bears in certain areas, to make sure that the days requested for the research be fulfilled from the start. For example, if they are requesting seven days of survey, make sure that full seven days is done, not just two days. Because that's going to have a big impact on the numbers of the polar bears in certain areas, and it may affect regions as it affected Kivalliq region heavily in 2007. That's when the CITES was being brought up. My question is would it be able to be implemented in the Land Use Plan if a seven-day survey is requested by any party, that the full seven days is met? Thank you.

David: Thanks, Barney. Do you guys want to think about that and come back later, or do you have an answer now?

Brian: I prefer to come back later on that comment if you don't mind, David.

David: No problem. Okay, so let's break for lunch.

Brian: I have a comment. Sorry, David. If I may throw in a suggestion: Our legal counsel is still in Churchill, Manitoba. He is delayed due to the weather. Can we go to caribou at 1:00 instead of existing rights? I do apologize, but I would prefer we have our legal counsel here at the table for that issue of existing rights.

David: Okay. We still need to do the Sabine Peninsula this afternoon, and any follow-up on this polar bear stuff before we get to whatever the next one is. But Bert, any comment on getting back to caribou?

Bert: Bert Dean with NTI Wildlife and Environment. Yeah, we're flexible with the agenda, so we'll just make it work.

David: Always accommodating. Okay 1:15. Enjoy your lunch.

## LUNCH BREAK

## SABINE PENINSULA

*(\*The first portion of this discussion was not on audio – The italicized portions represent an approximation)*

David: *Let's move into the Sabine Peninsula discussion. Jonathan?*

Jon: *We're now on page 5 of the Considerations Document. The question is should it be designated as a Protected Area? It's a Special Management Area in the Draft Plan with a cumulative impacts referrals term that we've talked about as well as direction to regulatory authorities to incorporate setbacks for migratory birds. We'll have more discussion on that, but we received a comment in June from the Government of Canada that it is critical for Peary caribou habitat. So it may be a Protected Area with prohibited uses in the Draft Plan. So options for refinements: Option 1 – considerate a Special Management Area with Protected Area as a critical habitat for Peary caribou, and the implications would result in a Protected Area, and it would be in a location that includes oil and gas licenses. Option 2 – critical habitat for Peary once identified is more advanced. Because there will be additional areas identified, a plan amendment might be required.*

Spencer: *I think what we stated earlier was a better expression: if the geospatial and biophysical information warrant, the Plan could offer protections. That said, we're more inclined for Option 2.*

*We think it would probably be a better use of our time if we deferred to the bigger stuff that would occur under species-at-risk.*

Bert: In respect to Peary caribou, we want to have more discussions with QIA and the Qikiqtaaluk Wildlife Board, so I don't really have anything further to add, but Rosanne may want to comment a bit, or Jackie. I'm not sure, again, if they've had a chance to talk about this, and I realize Naida just dialed in as well. But I'll maybe turn it over to Rosanne in case she wants to comment.

Rosanne: Thanks, Bert. It's Rosanne here from QIA. We discussed this kind of a bit internally, and I think that we don't necessarily have, or we haven't been approached with a proposal with any kind of details as to what this Peary caribou habitat would look like. So at the moment, as you said, I think we're trying to determine kind-of what it would be. And because it's not a Protected Area yet, or it's not established yet, it kind-of falls into the same categories as others that we have questions about regarding kind-of Protected Areas within the Plan that aren't necessarily legislated protected areas outside the Plan. So I think that this area would probably require a bit more discussion with other players and with the federal government, I think.

David: Rosanne, it's David. I wonder if I can push you a little bit on that. Given what you've said, would you be leaning toward Option 2 at this point?

Rosanne: I guess that would require further discussion as to what the critical habitat would like, but that would be the safer option at this point. But I wouldn't say that we would concretely say one or the other.

David: Okay, fair enough. Anybody else? Naida, did you have a comment?

Naida: No, I don't have anything to add beyond what Rosanne said. Thank you.

David: Thanks. Bruce?

Bruce: Thanks, David. Just for the benefit of the group, Environment Canada – Environment and Climate Change Canada – is in the process of developing a recovery strategy for Peary caribou. I don't think that's new to anybody around the table. And to give you an update on the status of that, we have been working with all the associated communities, wildlife boards, and Government of Northwest Territories as well as Government of Nunavut, as well as Parks Canada, toward coming together to create that strategy, including incorporating both IQ and science information to come to a determination on if it's appropriate to have critical habitat or not identified under the strategy.

Our goal is to start consultations later winter – early spring this year on that strategy. At that time, most people will then see what the group has come up with throughout the entire document as far as recommendations go for that species, as well as the potential to identify critical habitat. So if you can bear with us a little longer, we will have a draft product available that we could certainly provide to the Planning Commission as a draft document.

The pressure that I'm under is to have it completed and up on the public registry – the National Public Registry for Species at Risk - by end of March 2017. So that is our goal. After that, it's up to the Minister to decide if she approves of the strategy and whether critical habitat will be included

in that. But there will be draft information on proposed critical habitat in the upcoming recovery strategy.

David: Thanks, Bruce. Sophia, I skipped over you. Any comments on this? Okay. Barney?

Barney: I'm sorry, David. Barney, Mayor of Chester. I just missed the whole...I just walked in so I'll pass for now. Thanks.

David: Alright, thanks. Jackie.

Jackie: Hi there. Jackie Price, Qikiqtaaluk Wildlife Board. Within the Qikiqtaaluk region, we have the communities of Grise Fjord and Resolute, and they have been active participants in the Peary Caribou Management Plan that Bruce outlined. So from QWB's perspective, we would support - we continue to support - the work of that plan and would take a lot of guidance from what that group would have to say about the critical habitat. Thank you.

David: Thanks, Jackie. Government of Nunavut?

Denise: Just to say – Denise Baikie, Government of Nunavut – that the GN can make no formal expression of support for either option, but we do commit to reviewing the options presented.

David: Okay, thanks. No comments. Leslie? No? Luis?

Luis: No comments at this time, but I would like to help NTI to refine the options if needed. Thanks.

David: Alright, and on the phone, any comments on this particular item?

Mike: It's Mike Settingington with Environmental Dynamics. Sorry, just coming into the meeting now, and having a fairly poor phone connection, could you summarize exactly what issue we're talking about right now so I'm clear?

David: It's the Sabine Peninsula, and it's in the Considerations for Potential Refinements to the 2014 Draft Land Use Plan, page 5. We're looking at the options that the Planning Commission is considering in addition to the status quo.

Mike: Oh, okay. We're not talking about the caribou issue yet on the agenda, correct?

David: Only indirectly at this point.

Mike: Okay. No comment from me yet.

David: Okay. Anybody else on the phone? Any comments?

*(No response)*

Alright, so Nunavut Planning Commission, you've got as much direction as you're going to get on this one. And I guess now, pending any updates on Alan's travel, we'll move to caribou. Alright, all yours.

## CARIBOU HABITAT

Peter: Thank you, David. Peter Scholz, Nunavut Planning Commission. For very large tasks, they need to be broken down into smaller tasks, because if you take the whole thing in one chunk, all the cross linkages will bog you down.

So the caribou habitat issue from a land use planning perspective, the NPC staff believe the best way to approach it is not one issue but eight. And eight are based on the eight different primary types of habitat. So what we're proposing to do this afternoon is to one-by-one go through these eight types of habitat and discuss them, a separate roundtable for each one, one by one separately. And I'll give you a quick summary of what the eight are for those who don't know already. And we'll talk about what the Plan says now and what the options presented to us for the eight are.

So if you go to page 6 of your document, I'll draw your eye down to the table starting with the blue bar, halfway down page 6. You'll see the eight types of habitat. Number 1 is the calving area. Now I'm not a biologist, so if I say something slightly inaccurate, I apologize. So for calving area, that's where the caribou are born. Post-calving areas are areas where the female caribou usually take the young immediately after they've been born. Key access corridors relate to the paths that, as I understand it, female caribou typically take getting to the calving area. Freshwater crossings are where caribou typically congregate to cross freshwater bodies or rivers. Sea ice crossings are where caribou will cross sea ice, usually heading north in the spring and heading south in the fall. Rutting areas are where the mating tends to occur. Migration corridors tend to be the spring and fall routes that caribou tend to congregate getting between the winter areas and the summer areas. And my understanding is the spring and fall migration corridors tend to be the same, so they're collected here. And then range, which is more of the winter area, which will be very large areas.

There are wildlife biologists, and I'm certain that they have comments. So we'll start with the core calving. The direction in the current Draft of the Land Use Plan for core calving areas is essentially full prohibition on most activities in core calving and post-calving areas, except in core calving areas and post-calving areas with high mineral potential. There are no restrictions. There's just a cumulative effects concern highlighted.

We received a great deal of interest on core calving areas, and most parties feel that high levels of protection should apply, whether or not there is high mineral potential, though we did hear some exceptions to that. The option that we identified on page 8, number 1 at this time for core calving is to integrate a Protected Area designation on core calving regardless of high mineral potential with high levels of protection. I'll stop there, and we'll move on to post-calving after we've done the core calving.

David: Okay. Thanks, Peter. So, we'll follow the usual format and go around the table, but in addition to focusing strictly and narrowly on the calving areas, I'd invite – because of the broader concerns related to caribou – if people want to make more general comments, feel free. But let's, to the extent possible, focus on the calving grounds at this point, and we'll move into the other areas later.

Peter: I'll just mention on the map on the screen, I think orange is core calving. Is that right? And yellow is post-calving, and blue is summer-winter. Thanks.

David: Alright, thank you, Peter. Spencer.

Spencer: As per our submission on the Draft Land Use Plan, the Government of Canada hasn't provided an official position on caribou. However, we do have the ancillary policy work on existing rights, which we'd just like to see maintained or figured out. Thank you.

David: Thanks, Spencer. Miguel?

Miguel: This is Miguel Chenier, NTI. Similarly to Spencer, NTI hasn't confirmed a position on caribou at this time. But I'm looking at the list of the organizations who are endorsing restrictions on caribou calving. And I guess my question would be to NPC, did these organizations – they confirmed in principle protection for the calving, but have they all endorsed the GN's defined caribou calving ground specifically? Because it makes a big difference. I mean, different people might have different ideas about what the calving grounds actually are. Thank you.

David: NPC?

Peter: Peter Scholz, NPC. To my recollection, the other parties have not specifically endorsed the boundaries provided by the Government of Nunavut.

David: Okay, any further comments? Just a sec, Bert. Brian? Or Jonathan?

Jonathan: Sorry, I'd just like to confirm that some of the agencies in that list – this again goes back from 2012 to 2015 – so we'd go back to 2012, and the GN's current recommendations weren't on the table. But in many cases, the recommendations were for things like the historical extent of caribou calving grounds and more generalized versions that what we're currently considering, so there is a bit of mixed bag there given the timelines that the comments have been coming in over.

David: Miguel?

Miguel: Just a follow-up – Miguel from NTI. So essentially you're saying they could be either more or less than what's represented presently in the shape files that are on the screen?

Jonathan: Yeah, we can't, I guess, interpret what an agency would have intended when they wrote to us and said, "Protect core calving grounds from development," or something general like that.

Miguel: Hopefully we'll be able to all follow-up and confirm all the organization's intentions then over time. Bert, did you want to say anything?

Bert: Thanks, Miguel and thanks, David. It's Bert Dean with NTI. I guess just to add: Although NTI does not have a position, we have been working and trying to hold caribou workshops. We met and are trying to give some support to the Regional Wildlife Organizations, so at their AGMs in the fall, they can do a caribou workshop and hear from the different managers or the different biologists on different information on a regional level and help prepare for a larger scale caribou workshop.

As mentioned, the Nunavut Wildlife Management Board also held a workshop. I realize, you know it was characterized that the NWMB sort of stepped away from the table in terms of having a joint workshop. I don't know if it's a matter of perception, but my feeling was they were never at the table. Right from the get-go, there was a certain amount of hesitation from the NWMB as to what a caribou workshop would look like. They were in the middle of planning their own workshop and trying to get more familiar with the file. And we were hoping to piggyback on that workshop.

There had also been emails from Industry, as was mentioned earlier this morning asking and inquiring about a caribou workshop, and that has never really come to fruition. The reason I say that is because the NWMB workshop was a smaller group. It did not include the Regional Inuit Associations who have management responsibilities for Inuit Owned Lands. They did not, I don't believe, include INAC or Indigenous Northern Affairs Canada, which is the other landowner. So in terms of habitat and calving grounds, they weren't there at the NWMB workshop.

And so although the NPC, I think, were able to send some staff and observe, I think we still have some work to do in terms of how do we get people together and sort of bridge a fair number of the gaps that are still there? So I don't want to just say we're not ready at this time. We've been trying to put in a lot of work to make some movement on this, and this is part of the reason why we're saying a bit more time, because there still is a fair amount of work to be done. I guess, being an optimist, I would hope that we could still somehow put together some type of caribou workshop that we were talking about at the last Technical Meeting in the summer, to bring all the different groups together to go through some of these issues.

So it'll be good to go through this exercise today and definitely to hear from the Planning Commission on how things are put together. But hopefully some further consideration or thought would be given to how do we help bridge the gap that's there. I'll let others speak. I don't know if Naida may want to add in case I've missed anything. Rosanne is on the phone. I'm not sure if Luigi has signed on, and I know that Luis, KIA, had some concerns as well. But I'll turn it over to Naida for now.

Naida: Hi, this is Naida. I think we're reiterating the comments that were made this morning about the disappointment that the caribou workshop did not take place, or the technical meeting I think how it was referred in the minutes from the last Technical Sessions.

The NWMB did proceed and have a caribou workshop that was very much focused on the science and habitat protection. I think we're still waiting for the final report, and I think it will be very useful. But there hasn't been an opportunity to bring all the players together that have competing views on this issue. And it's a necessary step to be able to resolve the land use conflict that exists in this area.

NTI and the RIAs are very concerned that that workshop – or technical meeting – has not taken place, and it's going to make it much more difficult going into a public hearing if there is not clarity on the caribou issue. I think I'll leave it at that. Thank you.

David: Thanks, Naida. So I'm going to express a little frustration on this one, as the independent Chair of this meeting. We've had discussions in Tech 0, Tech 1 and Tech 2, and now again Tech 3 – and people continue to reiterate their concerns about caribou, but they seem reluctant collectively

and individually to take positions, at least in the case of some organizations. I find it frustrating to be in this situation again.

The last Technical Meeting was in July, and aside from the registered disappointment in a workshop convened by the Nunavut Planning Commission, there has been plenty of discussion – plenty of opportunity – to narrow the issues on the parts of the organizations involved. So to come to the table today again and say, “Look we’re not ready yet,” is a little frustrating from my perspective in the interest of getting this done. So I turn it back to Bert, and I’ll ask Bert, what do you think from NTI’s perspective would be the concrete next steps? What would you like to see so we can get this thing nailed down as best as possible prior to the hearing?

Bert: Thank you, David, and I share your frustration. In the interest of moving it forward, I think we need to have that discussion. We need to have that workshop. We need cooperation, as identified, by all parties and participation from everyone - as I think Naida indicated - to have the competing interests together to see where we can bridge those gaps.

If we could see a caribou workshop cohosted or hosted by the Planning Commission or supported – whatever it takes. But we need the leadership of the Planning Commission for the Land Use Plan to bring all of the parties together and get hopefully some clear direction. And if not – if there are those competing interests – they need to be hearing firsthand what those competing interests are, because it’s going to be the Nunavut Planning Commission that makes those decisions.

So, I mean I can confidently say I think there has been good will by everyone trying to move forward. I realize there are concerns with the timelines to get things done, but we just need that leadership from the Planning Commission to host that caribou workshop. Hopefully that will....Even if it doesn’t provide a very clear position, we’ll have heard all of the perspectives firsthand from all of the different parties that have an interest in the Land Use Plan. I hope that helps. Thank you.

David: Yeah, it helps, but it doesn’t resolve. So here’s the thing from my perspective: I think everybody has heard everybody’s concerns and interests, and in a few cases positions, whether those positions are clearly defined or not in terms of what the calving ground definition might be. I’ll ask you the question – and I’ll ask everybody the question: If hypothetically the Planning Commission took on this task of organizing a workshop – a caribou workshop – will people come to the table with concrete suggestions, concrete positions that can be discussed? Or are we going to have another workshop where people simply state the concerns they might have? Because it isn’t helping to hear the concerns time and time again without some focus on what to do next.

I think – I’m afraid – that there would be a serious risk that the Planning Commission would hold this workshop and walk away no better informed. I mean we’ve all heard all the issues. The Regional Inuit Organizations have held workshops – held many discussions at the community level. I’ll come back to the Planning Commission’s thoughts about holding a workshop, but I guess I would suggest that at this stage of the game, it’s time to get past, “I want to hear what other people have to say,” and start putting on the table some firm positions and some firm ideas about where to go next. This is too important to continue to delay. So end of lecture. Sophia, any comments? Bruce? Vicky?

Warren: Thank you very much. This is Warren Bernauer for the Kivalliq Wildlife Board. We do have a pretty clear position on this, although we're still honing some details. I'm sure most people around the table know that the Board that I work for has repeatedly recommended that caribou calving grounds be afforded full protection under a Land Use Plan. All the mainland Kivalliq HTOs have taken the same position, that's during the community workshops that I held with them and letters to the Nunavut Impact Review Board for screening for a proposal by Anconia to drill in the center of the calving grounds, and other letters that they sent to the NPC independently. That position is pretty clear.

Miguel raised a really good point, and that's what are we defining as calving grounds? I really appreciate you bringing that up, because that's something I wanted to talk about today. In the discussions that I've had with communities and with the HTOs, some of them have raised concerns that the GN maps don't cover the full extent of where caribou have their calves, especially in Naujaat and Whale Cove. That was one comment that a lot of the hunters and Elders had to make.

You know, we're aware of this, and I'm pretty sure – well I know for a fact – that the GN is aware of this as well. The way that they've defined these calving grounds are, to put it in laymen's terms, like the most important calving areas, the areas that are used the most for calving. While the KWB still has to decide particularly on their specific definition, I can say with quite high personal confidence that what the GN has proposed would be kind-of the base minimum of what the Kivalliq Wildlife Board would like protected in terms of calving grounds.

It is not the ideal situation for them. The hunters and Elders that I spoke to, a lot of them are very, very passionate about wanting these areas protected. And I learned a lot about this sort-of Traditional Knowledge and values that these Elders were attaching to these areas...the way that Elders, especially in places like Arviat and Whale Cove instruct younger hunters to respect these areas, stay out of them seasonally, avoid making any permanent changes to the landscape... And a lot of them, again were very passionate during these meetings. They felt like it was most ridiculous to even suggest that there could be mining in the center of these areas.

David: Warren, if I could just interrupt. The interpreters have asked that we all slow down, myself included.

Warren: Thank you very much for the reminder. So again, I think that's some strong Inuit Qaujimagatuqangit, especially in the realm of values and wisdom, as opposed to specific information about wildlife. Professional wildlife biologists have also made a series of recommendations to the Kivalliq Wildlife Board over the past five years about the need to protect these areas. The KWB sent out numerous letters, not just to the NPC, but to the RIAs, NTI, the Government of Canada, requesting that there be a moratorium placed on these areas as this Plan continues to be developed.

So I guess, in conclusion, the Board definitely feels that mining and exploration – and all associated infrastructure and activities – be prohibited in caribou calving ground and key access corridors regardless of what the mineral potential is. Thank you.

David: Thanks, Warren, and I'll ask you, would you be recommending an additional workshop such as NTI has proposed?

Warren: I can't speak for the Kivalliq Wildlife Board on this point. From a personal perspective, I think I share your concern that I'm not sure what that would achieve. We're around the table today, and I'm not sure... I think I'd need a bit more explanation on what the idea would be. I'm open to the idea, but I still don't fully understand what the rationale would be to discuss it a couple of months from now versus discussing it at the table today. But more information is definitely welcome. Thank you.

David: Thanks, Warren. Miguel and then Brian.

Miguel: If I may – Miguel from NTI – just take a quick shot at that. It's the comparison between what we're doing today, which is basically expressing frustration, compared to what we did at the NWMB workshop on caribou where science was presented. People did group efforts to figure out what are solutions that we can come to with regards to caribou. I mean that's not going to happen today, but that would be really useful for the organizations to be able to partake in those kinds of exercises so that we can better go back and inform our Boards.

David: Okay, thanks Miguel. I guess I'd just point out that you had that discussion. The Nunavut Wildlife Management Board had that discussion. The results will be available. Repeating that discussion isn't going to help.

Miguel: No, you're absolutely right. They did, but we didn't have it with all the parties, which is really important. I mean, Industry was left out of that conversation.

David: Yeah, fair enough. Brian?

Brian: Thank you, David. Brian Aglukark, Nunavut Planning Commission, Arviat. Two points: The first is nobody around this table in terms of NPC members would decide whether another workshop would possibly happen. And if it were to happen, it would - based on some of the timelines that we're discussing internally to which we will introduce sometime this week – it would have to happen within the next three to four weeks based on the timeline that we have. So another question we should probably asking is can you be ready in two weeks, three weeks? Thank you.

David: Thanks, Brian. Well, I gotta say that people haven't been ready in five years. They're not going to be ready in two to three weeks either. Warren?

Warren: Thanks very much. Just one final comment on that matter: There is going to be the issue of funding for the Kivalliq Wildlife Board to continue to attend more workshops and meetings. Our funding is limited, and our ability to participate in later stages of the land use planning process might be hindered if we keep coming up for more discussions. I'll leave it at that. Thank you very much.

David: Thanks, Warren. Barney?

Barney: Thank you, David. Thank you, Warren. Barney, Mayor of Chester, also Vice President for Kivalliq Wildlife Board. Yeah, it's going to cost a lot to keep consulting on the same issue. Our Board has been raising these same concerns and map locations for the last five years. I'm on the same boat with you. Stop this interrogation. We're not going to change our perspective, so we have to move

forward. We're always going to be in full support of protecting post-calving grounds, because that's what thrives our caribou to keep going. Caribou being the most sensitive topic in our region, they're the top prey in our land. It's not just the carnivores that are after them – hunters and explorations – they have so much to battle.

I would very much like to see this move forward now too, and we can't keep funding our staff to attend meeting after meeting after meeting unless other departments will fund the meetings for our staff to attend. So that being said, I really want to see this move forward too. It's been ongoing for years, and we've been saying the same thing and will continue to say the same thing. That's all I've got to say. Thanks.

David: Thank you, Barney. Jackie?

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. From November 7<sup>th</sup> to 9<sup>th</sup>, the Qikiqtaaluk Wildlife Board held its Annual General Meeting in Iqaluit. The QWB held a caribou workshop for an evening session where QWB staff provided the Board with an overview of the Land Use Plan and highlighted key questions raised for caribou.

The end result of that evening session was a resolution passed by the QWB, which – I'll give you the punch line – QWB recommended that Qikiqtaaluk caribou calving grounds, post-calving grounds and migration routes be identified within the Land Use Plan as areas for full protection. Now when we discussed with our Board the fact that currently on the map now there was nothing identified within the Baffin region, our Board asked lots of questions. It's fair to say there was a fair amount of frustration from the Board.

Again, our Board is made up of the chairs of the HTOs for our region. So the chairs who essentially all stated the number of times they had been consulted by different levels of government on caribou matters – whether it's for a management plan or the majority of the time for surveys – they couldn't understand how there could be nothing on a map.

Although we explained the lack of collaring data as being cited as the main reason that areas are not identified in the Baffin region that was not a strong enough reason for our Board. They felt that the consultations held to date provided at least enough information to warrant at least some markings on a map.

So prior to passing this resolution, they had urged QWB staff and also did a call-out to co-management partners to work together to collect information that has been gathered to provide a better overview of calving and Protected Areas for caribou. And again, this is a particularly sensitive issue because of the current moratorium on Baffin Island caribou and just the general tone in which caribou are discussed on Baffin Island. So that's essentially where QWB's stance is right now. Thank you.

David: Thanks, Jackie. And specifically to another workshop, your feelings about that?

Jackie: Thank you. It's Jackie again. I mean Baffin region is unique in comparison to the other two regions. On the offset, I think there is potential for having a full group together. QWB's perspective would likely focus on the need of co-management partners to bring whatever information they have on a map to get something on it. And I also believe it's important, because

caribou is also a highly political matter, having community and also the land interest, which is represented in multiple perspectives – not just mining but the land perspective of the various land owners and industry - I think communities and them have to see eye to eye, or at least look each other in the eye while they are talking about their perspective.

I guess I fear – while I echo the frustration that Barney and Warren had raised earlier – there is always the chance that the concern from the communities will be outweighed in terms of landowner’s interests. So I think in order to put everyone on a more equal balance, they should be looking at each other in the eye when they talk about these things. Thank you.

David: Okay, thanks Jackie. Denise?

Denise: Denise Baikie, Government of Nunavut. As you all know, the GN has very clear caribou positions. So for the Option #1, we fully support assigning core caribou calving grounds Protected Area designation regardless of high mineral potential.

David: And on the workshop notion?

Denise: For a workshop, we would definitely participate, and we do have a position to discuss. But we’re worried that the end result would be the same as it is currently.

David: Okay, thank you. World Wildlife Fund.

Brandon: Brandon Laforest, WWF Canada. Our positions are probably very clear in our submissions and echo the GN in recommending full protection regardless of mineral potential. But WWF just seeks to be valued-added in the conversation, whether it’s supporting our Community Voices Programs in conjunction with the KWB, supporting the BQCMB, GN research, participating in the NWMB meeting. We have a consultant currently looking at the grandfathering issue to come up with different options that could be easier to mitigate.

Yeah, I think our positions aren’t going to change, but we keep trying to be value-added to the discussion however possible. So we do, once again, avail ourselves similar to the walrus discussion – if there is a way to be value-added, we’d like to be approached and have a discussion. Thanks.

David: Thanks. And on the workshop?

Brandon: We choose not to comment. We recognize our observer-ish status here, and we hope for the best, whatever the parties decide. We’d like to be value-added, but I don’t think we can have an opinion on that.

David: Okay. Leslie, you might have a thought or two on this subject.

Leslie: Yeah, Leslie Wakelyn for the BQ Caribou Management Board. I have 20 years’ worth of thoughts so far on this issue, and I don’t say that lightly actually. There are several people in this room – I’m looking at them out of the corners of my eye actually – who were involved 20 years ago in this discussion, and here we are today.

From the Caribou Management Board's perspective, the key issues are what are the implications of the decisions to be made here? And I want to make it clear to people that the Board's goal is not to protect all caribou habitat that might be used by caribou for calving, post-calving migration, etc., but to ensure that there is sufficient key habitat that remains available where and when it is required for the herds to remain productive, and in many cases for them to increase in size because of all the declines.

The Caribou Management Board, for about a decade, has submitted a strong position to the Nunavut Planning Commission and its consultants consistently saying over the years that it recommended protecting all calving grounds and post-calving areas and water crossings, documented since the 1950s by surveys and collaring programs, and that these should be protected in protected areas of some sort.

Originally, the recommendation was that these would be legislated protected areas, such as national parks, national wildlife areas, that kind of thing. So the view of the Board was that this should be a highly precautionary action, and that's because the Board's job is to try to protect caribou and ensure they are available for years to come and for harvest by traditional harvesters.

So in the last few years, the GN's position has been developed, and they have recommended protecting core calving grounds and key access corridors, as you've heard, based on collaring data – about 20 years' worth of collaring data. Unfortunately, this has been while the herds have been declining, so this is a factor that needs to be considered. And there are a whole bunch of other issues that I could raise about technical tweaks and that kind of thing to the GN's position. But generally, this is a moderately precautionary approach, as opposed to the highly precautionary approach that the Board has taken all these years.

So the Caribou Management Board does support Option 1 absolutely, but it thinks that more is needed than this, and that there could be some tweaks and some additional measures that should be considered in addition to protecting all calving areas and key access corridors in Protected Areas in the Land Use Plan.

In that respect, we would see a Technical Workshop being required to get the tweaks figured out and to discuss other things like in addition to Protected Areas, there should be some kind of other measures in place to play the role of what used to be caribou protection measures in the Land Use Plan, which are not currently proposed in the Plan. There have been improvements to the caribou protection measures developed over the years based primarily on using collar data, and there is potential there to do some good additional protection for caribou and caribou habitat.

One of the things that needs to be looked at is the water crossing issue too, and I see we'll get to that later, but you can see where I'm going. The Board supports the Government of Nunavut's position but also believes a few other things need to be discussed that are technical in nature.

So when we talk about the precautionary principle and risk here, we have a different perspective than landowners and land developers, of course. But what we all need to consider – because this is a Land Use Plan – is what are the implications and what is the risk of the decisions. So fundamentally, what are the economic and social costs of failing to provide protection for caribou and habitat? These could be undervalued, but surely they would not be in a place such as Nunavut where so many people rely on caribou, and it is such a big part of traditional culture.

There are other cultures that depend on caribou as well, and of course from our Board's point of view, they need to be considered as well. So this is where other jurisdictions and harvesters in other areas will be affected by decisions made by the Nunavut Land Use planners, as Jackie raised today.

Another workshop – we keep talking about two different things to me. So there's the technical discussion that we started at the Nunavut Wildlife Management Board workshop on technical issues about how to protect caribou, but we keep talking about having everybody in the room. But then that becomes the land use planning discussion. It is no longer a discussion just about how to protect caribou and caribou habitat. When you get everybody in the room with all the varied interests, that's what land use planning is. That isn't a caribou habitat discussion.

So I think we need to figure out what this workshop would be, what the goals would be, and then decide if it needs to be a large workshop with everybody you can think of involved, or if it should be a more small technical workshop to just figure out the tweaks to make sure the methods that are used in the Land Use Plan work.

So from the Board's perspective, one final comment for now, although I could go on for a while of course, about other aspects: But what are the implications of the actions, and what is the risk? So Industry is worried that if we protect some caribou habitat and exclude Industry from some areas, well, they will be affected obviously. But the worse case scenario would be that a level of investment would not allow for exploration and development at this time for a Land Use Plan for the first generation for a few years, and that this exploration and development will have to be deferred to the future. This is possible, as minerals will still be there. They are not going anywhere.

These are the kinds of comments that are brought out at our Board meetings all the time, so I'm just giving you our perspective. From the Board's perspective, and from the perspective of biologists, wildlife managers, communities, harvesters, and organizations that represent them who have all written into NPC over the last few years, they are worried of the risk of losing large ranging caribou herds as we know them- or as we knew them until recently – and the culture that is dependent on those herds.

So if we do not protect adequate caribou habitat effectively through the Land Use Plan - that is the main concern. To talk about a workshop, I still think we're going back to this workshop being actual land use planning where we're talking about values and perspectives. We're not talking about an actual caribou technical workshop anymore. So I guess I'll leave it at that for now, but I can obviously address other concerns. Thank you.

David: Thank you, Leslie. Luis?

Luis: Thank you, Mr. Chairman. I hear all the concerns of the people around the table, and I'm going to be direct. So your question is, I don't know – if we are in favor of the caribou workshop. Yes, we are. We need to get together and define the methods mentioned here from colleagues, and define those core calving areas. I mean people discern if we do a very good job, and we need to present them with defined core calving areas before we make a decision.

And the other category is we want to know that we can put terms and conditions in them. I can say from a technical point of view that those terms and conditions will be put in those permits, and we need to address them properly to be clear to whoever is going to use the land. I've been saying it again and again. We need to be clear, either to Industry, to Tourism, to whoever is going to use the land, which are the rules that they need to develop.

So I do go for a workshop, as Bert and Miguel mentioned. Now we need to focus in this workshop on what's the intent of the Land Use Plan and the objectives and obligations of the Nunavut Planning Commission. And I agree with my colleague on my right here that it could be misinterpreted, the habitat from designations, and that's why we're having these undecided positions, because habitat is one thing and caribou designation for land use planning means a completely different concept.

But I think there's enough knowledge here. We have enough research done for GN that we can work with and define the methodology to assign the core calving areas, which is what everybody is not agreeing with. Again, I will refer this. This is a Land Use Plan issue. It's clear and plain to me. I will help in any way I can, and as a matter of fact, we make presentations to the Nunavut Wildlife Board of the mobile protection measures developed. We present the same mobile caribou conservation measures to NWMB. Both of them were happy that we are protecting the Kivalliq land with this issue with the more impacted in terms of conservation.

We do due diligence. A paper has been developed already for NPC to consider. I will hand it off to them for their discretion. I don't know if they want to use the mobile conservation measures for some of those areas outside the core calving areas. And there we mention also some protection to caribou. I mean, biologists are very focused, and some sort of protection. I'm no expert in caribou, but we are willing to share that mobile conservation protection measures when NTI is ready for me to release them. I do my due diligence, but I need always to wait for NTI. But I'm willing to share the draft if they want to make some comments into those drafts.

That's what I have, and I agree it's very important to define the workshop. This is a Land Use Plan designation, and this is a habitat designation. I think that the habitat workshop was carried out by the NWMB. It will be good to receive those comments and then focus how we're going to do our workshop in terms of the land use planning. That's what I have, and I hope I'm clear this time. Thank you.

David: Thank you. Yeah, Warren.

Warren: Thank you very much. Just as a quick follow-up on what both Leslie and Luis were speaking to: My Board also agrees that there needs to be protection for caribou when they have their calves outside of this core area, and we really appreciate the work that Luis and the Kivalliq Inuit Association put in with researching mobile protection measures. I just wanted to flag this as an issue that maybe there can be another section in the Plan that just expresses a larger, broader value that no industrial land users can harass caribou while they're in calving and post-calving and possibly stipulating mobile or seasonal protection measures to protect that outside of these core areas, which we want fully protected in the interest of habitat. Thank you.

David: Now I'll go to the phone and invite people on the line to comment.

Rosanne: Hi, this is Rosanne from QIA.

David: Yeah, go ahead.

Rosanne: I just wanted to add that QIA did pass a resolution at our Board meeting back in October, I believe, that supported our position of full protection in calving grounds, including areas of high mineral potential and mobile protection measures in post-calving grounds. And I know that people have been starting, or different organizations have been putting resolutions out to support their position as well, and we're becoming more aware of other organizations' positions.

So I agree it might not be of good value for people to just come together and put our positions on the table again, but I do think that there's great value in holding another caribou workshop that has a land use planning focus where all the players can be at the table, including the Planning Commission, to hear those positions but also so we can get to the next step and determine, okay well what are the options and how can we work on this one together.

And I do think there would be great value in people being face-to-face to be able to have that discussion. So I know, you know, timing – we can discuss timing I guess. That's on the agenda at the end. But I do think from our perspective, we do have a position that we can bring to the table, and we're ready to discuss with others. So I do think that there would be value in having a workshop, another caribou workshop.

David: Thank you, Rosanne. Anybody else on the phone?

Liz: Yes, hi. It's Liz with the Chamber of Mines.

David: Yeah, go ahead, Liz.

Liz: I just wanted to kind-of go back to our position with respect to the workshop specifically. As part of the Technical Meetings that took place last summer, it was decided that a caribou workshop would take place in October or November – at some point last fall – and the goal of the workshop was to come to a consensus on recommendations for a comprehensive set of management processes that were going to be included in that Land Use Plan.

So I followed-up with NPC as part of our attempt to get this workshop going and was told that the Commission would be working with two sort of previously scheduled workshops, and one was the Nunavut Wildlife Management Board, and the other one was the Kitikmeot Caribou Workshop, which took place, I believe last October.

I believe in fairness to those two organizations, I mean they had their caribou workshop planned independently of the Land Use Plan and of the NPC's Technical Sessions, so I don't think they were planned, part-and-parcel of this land use planning process.

The other point is that Industry was not invited to participate in either of those workshops. It's the Chamber's position that, you know, we be allowed to sit at the table and to take part in these discussions with the intent of providing a broader perspective on caribou protection alternatives and clear direction to the Land Use Plan.

We also believe that until such time as these issues and management options are properly discussed amongst all the resource managers, and that a proper management strategy which allows for an open and transparent discussion and participation, until that happens, we don't think that the NPC should be moving forward with the public hearing. We very much want to be able to take part in this discussion, and so far we've not been able to. Thank you.

David: Thank you, Liz. Anybody else on the phone?

Mike: Mike Settingington with Environmental Dynamics. About the workshop specifically, I was working with Bert Dean. We developed an agenda, the last draft of the agenda the 7<sup>th</sup> of October. That was cc'd to Bert Dean at NTI, as well as Brian Aglukark at the Planning Commission. Just asking, what's going on? How is this moving forward? We had specific outcomes identified at that workshop, and the outcome was specifically the caribou working group will provide direction to the Nunavut Planning Commission for caribou protection measures to be identified in the Land Use Plan.

So again, building on what Leslie was talking about – I think she summed up the issues very well, and I specifically identified outcomes and objectives of that meeting based on the BQCMB's comments submitted to the Planning Commission where Leslie was cautioning that without clear terms of reference and objectives for the workshop, much time and expense may be wasted. We're aware of that, and we were worried about this moving through to where we are now – David, as you've identified, a third Technical Workshop. And we're still not clear what we can come to as consensus for a group on protection measures.

So the second thing I'd like to bring up as well too, is about the Protected Areas that the GN is identifying, which are fine. It's just that the data that the Planning Commission is working with is coming from the GN, but it seems like the specific boundaries are not matching what the GN is identifying as core calving areas. So, Elizabeth of the Chambers sent two figures to Jonathan at the Planning Commission, and I was trying to get clarification. The GN has submitted a map in their submission in June 2015 to the Planning Commission illustrating the core calving areas, and so we took the data for the Planning Commission site identifying those core calving areas as well, and the areas aren't matching. So we certainly need clarification on that.

And my overall comment, going back to earlier comments about how these areas are identified – I think it was coming out of Miguel at NTI – do we have consensus on how these areas are being identified? I would say no. And as a biologist, I think a lot of it is coming from lack of peer review of the methods used to date to derive those areas. And that's where it can get technical, and that was the intent of the workshop as well too. It's probably beyond what is necessary to talk about at this Planning Commission Technical Meeting. So I have many other comments to go over, but I'll see where the discussion goes from here. So, the Chamber wants to see that workshop go ahead, and myself as a professional biologist. I think it certainly requires further discussion.

David: Okay, thank you, Mike. Anybody else on the phone? Alright, Mitch, you had a comment?

Mitch: Yes, thanks very much. So just a couple of very general comments from some of the things that have been going around the table and on the phone. Just to wrap up Mike Settingington's query, the shape files that are being used by NPC are identical to those for the GN. They've just merged some of the shape files, so that's the difference. Post-calving and calving have been merged

together, so that's the difference that he's seeing there. And this was indicated in an email a few days back letting them know what differences there were.

A couple of other comments: This is another thing that is becoming a little bit frustrating as well for the GN. We have sent out the methods in detail for all the shape files and how they are derived on multiple occasions to all stakeholders, and the response keeps coming back that we don't really know if these shapes that are being provided are good, because we don't understand the methods. So it's another one of those frustrating things. I don't know what else we can do. We've given every detail about how they were derived. They are standard methods that are used in thousands of publications, extremely well accepted certainly across the ungulate world. So I don't know exactly what else we can do to provide that information.

And just another quick response to another comment, I believe from Luis, that came out was that mobile protections were discussed at length at the NWMB meeting and have been discussed in other meetings at this Technical Meeting. They have been seriously considered, and by the author – one of the authors of the mobile protection measures, it was very clear that they were developed specifically for exploration only, and not for actual mining projects. That was very clear.

And the other component to the mobile protection measures was that they were really considered as support for an area protection strategy. So the mobile protection measures could offer a buffer in some years when caribou in the odd years, when maybe they don't make it to their calving ground, that kind of thing. So that was the intent, and that was also clearly discussed.

Now we're waiting for the NWMB. I believe they lost a main staff member, so they're still trying to develop their position, but they're going to be sending that to all the stakeholders so everyone can see what's going on there. Thanks very much.

David: Alright, thanks Mitch. Yeah, Brian?

Brian: Thank you. Thank you, David. Brian Aglukark, Nunavut Planning Commission. Just a couple of comments: My knee-jerk reaction is again it's not our decision to make whether there will be another workshop within the next three or four weeks. But in my perspective, being involved in these sessions for the last 10-20 years, there has not really been any agreement on caribou or caribou protections. So I don't see how we can resolve this issue in the next three to four weeks. That's my immediate reaction. Again, it's not my decision to make. We will be informing the powers that be over the next few days, based on these comments, the request for another workshop, and I'll leave it at that, David. Thank you very much.

David: Thanks, Brian. I think there may have been somebody else on the phone who was trying to get a word in. Is there anybody else?

Karin: Hi, David. It's Karin Clark from GNWT.

David: Yeah, go ahead, Karin.

Karin: Yeah, thank you. I mostly dialed in to listen today. I appreciate the perspectives from everyone around the table. GNWT has not changed our position that we presented last June. That was full

protection of calving grounds and some sort of seasonal or mobile protection of post-calving grounds – so just to reiterate that.

You know with respect to an additional workshop, I guess I would just say having participated in the Nunavut Wildlife Management Board workshop, it was very useful, but it was clear the objectives were not to come to consensus and build a position to bring back to the Nunavut Planning Commission. So I think that objective is still outstanding.

David: Okay, thanks Karin. Anybody else?

*(No response)*

Okay, maybe I'll try to sum up a little bit. So, I tend to be a little bit skeptical that another workshop would result in a consensus. There's always value in discussing things further, but based on what I've seen thus far, organizations that haven't stated a position seem unlikely to develop one in the short-term and be prepared to come to a workshop and articulate that position, let alone reach a consensus among the parties who have stated positions already, because those positions vary quite a bit.

I think you're kind of stuck with working together as best you can trying to sort out your differences and assuming...well, setting aside the notion that the Planning Commission might hold a separate caribou workshop, coming to the public hearing and stating your positions and leaving it to the Planning Commission to draw its own conclusions.

If you can work together – if NTI can develop a position that reflects a consensus among the Nunavut parties, then great. I'm not sure that based on what I've seen so far that another workshop will enable that. It might push people along in a certain direction, but I really am skeptical based on what I've seen and heard over the last years that another workshop will suddenly make a breakthrough and everyone will walk away with a sense of satisfaction that they've at least reached a consensus, if not an ideal situation. I think my sense is that you're going to have to do the best you can with what you have and present your conclusions – your analysis and conclusions – at the public hearing whenever that happens. I would like to be convinced otherwise. Spencer, maybe you can do that.

Spencer: Hi, Spencer Dewar from the Government of Canada. Is there clarity and acceptance of what the core calving grounds are? It seemed like people around the table had asked some questions, and then the GN said this is the data we have. Does the table all agree on what these core calving areas are?

David: I think I can answer that. I think there's no consensus on the extent of the calving grounds, but no consensus on support for protection of calving grounds.

Spencer: But wouldn't a Technical Workshop be a place to maybe flush that out and move beyond the high-level shots and get down to basics or details?

David: Mitch?

Mitch: Yeah, we at the BQCMB and speaking at the KWB, I think Leslie had summed that up. For the groups advocating protection of the calving grounds – and I've talked to all of them. We've had discussions. The GN submission is smaller than the other groups would like. So we show the most conservative, I guess, in terms of Protected Areas. So there is some discussion as to whether there can be a consensus. Of course, it would have to go back to the Nunavut Government to look at again, which is a lengthy process.

But from what I can see – and I guess the other folks can speak to this – the submission that we put is probably not as extensive as the KWB, as the QWB, the BQCMB would like to see. They would like to see it expanded a fair amount. I don't know if that helps, but that's it. Thanks.

Spencer: No, that's helpful. Thanks.

David: Yeah, and I guess I'll just follow-up on that. Reaching consensus on what the core calving grounds and post-calving grounds might be is one question. But having reached consensus, are people supportive of some sort of protection – Protected Areas – in the Land Use Plan? I don't think there's any consensus on that one either. I don't know that, based on what I've seen, there are parties that don't support protection no matter what the calving grounds might be. So, I don't know that a workshop is going to solve that particular problem. Warren?

Warren: Thank you. This is a question for the Kivalliq Inuit Association. You seemed to just indicate that you disagreed with GN's core calving ground definition. I'm sorry. You just shook your head. I was just trying to get a sense if there is a point of contention and what it might be so we can understand it better. Thank you.

David: Luis?

Luis: Sure, we don't have consensus in core calving grounds. I meant only in order to advise NPC which those core calving areas are. So at this point, we don't have – and we support a workshop in order to address those issues. Because as our colleague here mentioned, there is confusion between the habitat and confusion about land use objectives in terms of development of a Land Use Plan. And this has to be clearly defined in this workshop what do we want to go? Do we want to go with protect habitat, or do you want to go and designate for land use purposes in specific areas, that's all. It's clear and simple to me. Land use planning is different than habitat. It does have some effects and we can use it to guide ourselves carefully in any activity, but it's still land use. There's no designation that will be contentious to a habitat, and that's why we need to get our head around it, what that core area is; what those calving and post-calving areas are well defined; and use those we agree between ourselves in order to advise NPC. It's clear.

David: Miguel?

Miguel: Miguel from NTI. I mean just to throw one more into the mix. I'm sorry. This is going to be like a rhetorical question I think more than anything. But okay, we have difficulty about the definition of the size of the calving grounds, but what about the herds? There are a number of different herds that we're talking about. Do all the groups at the table say the herds are all the same? And if they're not all the same, should they all be afforded the same protection? These are the kinds of things and questions that need to be addressed as well. Thank you.

David: Yeah, there is no end of questions. Barney?

Barney: Thank you, David. Barney, Mayor of Chester and also Vice Chair for Kivalliq Wildlife Board. Coming from the Wildlife Organization, we fully understand what we want protected, and we all had the same amount of time that we were given to come to conclusion. It's the importance of the steps you take and what you prioritize and what you want to protect. I think we need to stop being held back and start moving forward.

As we keep talking about this, the herds are still declining. They are not protected yet, and there are a couple of regions under moratorium now. The Wildlife Organization has been monitoring and seeing the decline of the herds, so we need them protected now. We have been talking about this for many years, and will continue to talk for many more years if we don't put an end to it now. I'd love to see it move forward. Thank you.

David: Thank you. Well, the question on the table – and I'll read it again - was consider assigning core caribou calving areas a Protected Area designation regardless of high mineral potential. Now I may be beating a dead caribou here, but assuming – and it's a real assumption – that people were able to reach some sort of agreement, consensus – not necessarily unanimous – about what the core calving grounds are, aerial definition. Do people support...do the organizations around the table support protection for those areas?

It's a little hypothetical, and we've heard from a number of organizations that, yes, and let's stop talking about this and move on. But there are other organizations that seem to be hung up on the definition of the core calving grounds and have not followed up with a statement in principle, whether those tightly defined core calving grounds would warrant protection. And I know I'm putting people on the spot, and I know inevitably what the answer might be, "We've got to see what the land is before we agree to protect is or not"

But I think you can go beyond that. Subject to that agreement in principle, do organizations such as NTI as an example, support protection for those areas, and if so, what kind of protection? I guess we've heard time and time again that you're not ready to state that position, but I'll reiterate my frustration and some of the frustration I hear around the table that it's time. It is past due. And if you don't get it done before the hearing, it will be done following the hearing. So it's in your interest to address those areas. Miguel.

Miguel: Miguel from NTI. I guess what I'd like to know is what am I bringing back to my Board? Am I bringing back – are we protecting a 1000 hectares of IOL, or are we protecting 100,000 hectares of IOL? You say definitions don't matter, but that's a huge question for the Board to tackle, it seems to me. I mean, you're right. There's a difference between should we protect caribou, but we've also got to consider the issue of IOL.

David: Yeah, and I agree, and I didn't mean to say that definitions don't matter. What I was pointing out was that subject to that definition of the aerial extent of core calving grounds – assuming we could ever reach unanimous consent or unanimity on that – in principle, do organizations feel that those calving grounds warrant protection under the Land Use Plan?

Spencer: It's Spencer Dewar, Government of Canada. What I'm hearing from NTI and the RIAs, there are questions. It's not necessarily that they're not willing to come to consensus, but there seems to

be some real questions. A logical extension of that would be that you'd want to have this caribou workshop so those questions can get answered.

David: Yeah, and I hear that Spencer, but I guess unless things radically change, I don't think the workshop would come to any different conclusion than has already been stated. I don't think you're going to arrive at a consensus at the workshop on what the core calving ground aerial extent would be. You might have more information on which to inform your presentations at the hearing. I'd like to be convinced otherwise, as I said, but I don't think that workshop will result in that agreement.

Luigi: I would like to provide a comment here. This is Luigi Torretti from the Kitikmeot Inuit Association. With due respect, I disagree with that statement. I think any kind of headway that can be made with reference to this caribou issue – whether it's bring all the parties together and everybody...Certainly it's very challenging to understand or to believe that there's going to be a full consensus with all the parties around the table. Everybody has different interests, and everybody has different objectives. It is going to be extremely difficult to have consensus in that scenario.

However, there may be some bits of information that parties can agree on, and on that basis, I would consider if a meeting were to go forward, and as was previously stated should be going forward - the NPC was going to facilitate a caribou workshop – any kind of positive movement reduces the number of outstanding issues between the parties with conflicting interests. So I think granted, the end result of consensus may not occur, but at least everybody begins to speak a little bit more openly about what can and cannot be accomplished.

Another thing I want to mention is that I, for one, have a little bit of difficulty merging the concepts of protection of caribou habitat...I don't even know if there's a correlation between the protection of caribou and the recovery of a caribou population. I cannot jump to that conclusion. So that is, in itself, an important discussion for this potential workshop.

David: Thanks, Luigi. I was wondering when you would add your thoughts to the table. Yeah, I don't disagree with you on the point that every conversation is useful and may fill in some of the gaps, but I guess it goes back to ultimately, it seems, the Planning Commission's decision on whether or not to host a workshop. The decision back in the summer was that the parties agreed that a co-hosted workshop with the Nunavut Wildlife Management Board and NPC was the plan. That didn't work out. I don't think NPC at any point said that it would host a workshop on its own, and is certainly not committing to that today. So I think – Ken's got a comment. I was going to say we've taken this as far as we can, but perhaps not. Ken?

Ken: Ken Landa from Justice Canada, and I'll be brief I hope. I think there are deeply divided views, and there are also places where people could potentially come together around some certain issues, as Luigi just noted. My observation is only this: It's precisely where you cannot come to a consensus where you have to apply the most process and the most procedure and be the most careful to ensure the data has been thoroughly interrogated and all sides have been heard from.

There are multiple organizations here representing Inuit and Nunavummiut in different ways, and those organizations remain divided of what's the right thing to do. The Land Claim makes very clear how very deeply important it is that the grass roots observations, opinions, and desires of

Inuit – not only Inuit but also other residents – be met. Right now, the picture in front of the Planning Commission is conflicting.

My suggestion is without deeper interrogation of some of these issues at a deeper level of detail, any decision-making by the Planning Commission would be on pretty shaking ground at this point.

David: Well, yeah, I guess that's up to the Planning Commission in the end, but it is a tribunal. It will make its decisions based on the best evidence it hears. My suggestion is that people be very well prepared to present that evidence at the hearing whenever that hearing occurs. The stronger the consensus, the stronger the influence it may have on the Planning Commission. Yes, please...

Barney: Thank you, David. Barney, Mayor of Chester. I don't have a very clear view of what the question is, because we are in support of what GN has put together, because they work closely with us Wildlife Organizations, and this is a combination of science and IQ put together. And if there were to be a workshop, who is paying for it? Where's the funding coming from? And why can't the question be answered here? This is not the first time it has been brought up. I might be not very clear on the questions they have, but this put-together picture is brought together by science and IQ, so I don't know what the question is. Thank you.

David: Yeah, I'm not entirely clear any longer either, I've got to say. Mitch?

Mitch: Yeah, thank you. I share Barney's confusion here. Sorry, Mitch Campbell with the Government of Nunavut. I mean, with the groups that may not even disagree in terms of what the polygons might be, the BQCMB has said, "We agree in principle with what the government is saying, but we think the area should be larger." This is what, I think you were asking for a little bit earlier, David, is people to come up with that kind of approach. "While we agree that the calving grounds should be protected, but we need to come to consensus to what the size should be" – that's not what I'm hearing around the table here. It's not being addressed. People are sort of avoiding that.

And just one other comment, just for the record here: Without getting into any kind of debate, I think that people need to understand that a calving ground is key to productivity. To sort of think that protecting a calving ground has nothing to do with recovery of a population, I think, there's a pretty big disconnect there. Maybe I could send some material over there. There's a wealth of scientific information to back that up and to help folks get their heads around that if it might help. Thank you.

David: Thanks, Mitch. Any other comments? Warren?

Warren: Thanks. Just really briefly I want to throw it out there. Land use planning is a really flexible tool. This can obviously be amended and changed. So just from a personal perspective, from my point of view, I feel that maybe we can do something provisional for now. Like we're not going to get all the information. I highly doubt we're all going to come to a consensus, but I just hope that we can do something to protect these areas and then continue to work on it after this Plan is created. That's all I have to say. Thank you.

David: Thanks, Warren. I'm just looking at the rest of this section, and I'm not sure based on the discussion that we've just had whether there is much point in talking about the same issue with respect to post-calving areas, key access corridors, caribou fresh water crossings, sea ice

crossings...I mean it's all a question of whether they be assigned Protected Areas or Special Management status or some other thing.

If I've heard folks clearly, those who have made a decision have made a decision, and they're comfortable with that. Those who haven't made a decision aren't going to be in a position to comment on the status of an area until they see the size of the area. You know? Until you see the size of the area...If you're not prepared to accept in principle the notion of protection for core calving ground, then I've got to say, it doesn't matter what the area is. That's one way of looking at it, because the area the size of a postage stamp, sure you can protect that. The area 1000 hectares or 100,000 hectares – are you prepared in principle to protect an area of 1000 hectares but not 100,000, and how do you make that decision? I wonder if we're just beating around the bush here.

Miguel: Thank you, David. Miguel. I guess...

Mike: Mike Setterington with Environmental Dynamics.

Miguel: Mike...Mike...

Mike: I'm disagreeing with a few things you're saying, David, as a facilitator here in the meeting, and a few other folks. I don't think we're actually all that deeply divided on a path forward, but I think we have to consider some alternatives. And I go back to what Luigi said about not seeing a clear link between habitat protection and the recovery of a caribou population.

We've been working with caribou protection measures for 37 years, since 1978, since it was a court-ordered measure – when the HTO from Baker Lake brought the federal government to court over exploration permits. That's when Industry started looking at caribou conservation, and the protection measures put in place were based on calving grounds. They were called caribou protected areas, and that's where we didn't have industry activity in the calving grounds when the caribou were present calving.

So that was done in the 70s – the late 70s and early 80s – when caribou were last at a low number. Those protection measures were implemented through the 37 years up to the present. And we've seen the caribou numbers increase to great numbers, and they're back in a decline. This is what we expect to see for natural fluctuation in caribou population.

So we do have protection measures in place that have worked. Caribou calving grounds have been protected, and they probably will continue to be protected through the use of mobile caribou protection measures. And the utility of those protection measures, they were reviewed for Indian Northern Affairs back in 2007, and one of the GN biologists was a coauthor on that paper, and it did review the protection measures on how they worked for the Qamanirjuaq and Beverly caribou, and they worked.

So to take a step backwards and say, "Well now we have to exclude all disturbances from the calving ground including habitat disturbance," I just don't see where the science is behind that. The method of identifying these calving grounds is not universally accepted. There are alternatives to looking at it. But at this point, nickel and diming, looking at the area a bit here, a bit there depending on what analysis you look at – it's not the biggest issue right now. It's really

considering – and it’s what I brought up in the first Technical Meeting – what are we trying to protect caribou from? You want to protect production of caribou, and that’s survival of cows and calves. That doesn’t necessarily mean protecting habitat in the calving ground. There has to be a whole strategy behind it, and that’s entirely lacking. The science just isn’t there.

David: Thanks, Mike. Mitch and Leslie will have some comments I think. Oh, Miguel first.

Miguel: Miguel from NTI. I still wanted to say something. I mean, with regards to what you said, David, I wouldn’t dare to speak for the Board on what their principles are. But I wanted to be able to collect as much information as I can to present for them so that they can make a proper decision.

I mean, if I go to them and say, “Caribou protected, not protected in calving grounds, and they go, “Okay, what are the implications? How much IOL?” They are going to ask. I can guarantee they are going to ask me the question. I don’t actually have an answer right now because we’re talking about combining calving, post-calving. We’re talking about combining Special Management with Protected Areas. Which is it? What number do I bring to my Board to decide on? It would be presuming to waste their time if I go them with incorrect numbers. Thank you.

David: Thanks, Miguel. Mitch and then Leslie?

Mitch: Yeah thanks very much. So I’m sitting here and my jaw hit the floor when I heard that there’s not a connection between the protection of calving areas and the demographic success of a population, because that’s...you know, I’m really quite stunned. Again, I reiterate, I will send you – or maybe I’d have to get the time to do it – but I would encourage you to go into the literature and look at the wealth of information that’s there that makes that connection. I’m really quite shocked that connection hasn’t been made at that level.

Secondly – I’m not sure – there are a number of different examples. There’s an example that was recorded by the NWT Government, one of the biologists of a magnetometer survey that actually visually pushed caribou, I think it was 40 to 50km. I can go over the details of that. I don’t want to get into it too much here, but it’s a very well-known example, and that was right around the time when the Beverly herd had shifted out of its calving ground. We’re not directly relating that to that. We don’t have the quantitative data to support that, but clearly that was part-and-parcel to all the things that were going on there.

To say that protection measures have worked over the years when there have been no major developments in any of these calving grounds is just wrongheaded. You can’t say that they worked. If you had an example where there was a major operation in a calving ground, and the protection measures were shown to work – this is a problem with protection measures.

In fact, as recognized, as Mike is referring to me on that paper, another person – Kim Poole – that was an author on that paper was at the NWMB conference clearly stating that mobile protection measures were designed for exploration only and that mobile protection measures weren’t necessarily effective in the high sensitivity areas but were most effective in support of those high sensitivity areas.

So, I think that there is a lot of misunderstanding. Perhaps the information has not been as thoroughly reviewed as it should have been. If you would like to discuss that further, I’d be more

than happy to direct you on some of these issues and some of these papers so you can get that information. Thank you.

David: Thanks, Mitch. Leslie?

Luigi: Mr. Chair? Just to let you know, I'd like to have a word. This is Luigi Toretti – Kitikmeot Inuit Association – when my turn comes around.

David: I've got you noted, Luigi. Leslie and then we'll get back to you.

Leslie: Thanks. Leslie Wakelyn with the BQ Caribou Management Board. I think we need to be careful of twisting things to meet our own perspectives. To recap what Mike has said about caribou protection measures since 1978, paraphrasing he said that since then, caribou numbers have increased and then decreased, and decreasing is because that's what we would expect. But this shows that caribou protection measures work or you know something along those lines. Well you could say the opposite of course.

The monitoring program that was required to make caribou protection measures effective was discontinued due to funding issues around 1990. So you could also equally argue that the declines in the caribou herds that have happened since the mid-90s had something to do with that. I mean I just think we should not do that kind of thing and throw it out as though it's a reason and an explanation. It's particularly bad when we do that kind of thing in public meetings where people just assume that what is stated is fact when we don't have anything to back it up.

Calving areas were not protected through caribou protection measures. What caribou protection measures do is they monitor and restrict land use activities based on use of habitat by caribou, and they reduce disturbance of those caribou. But there is no actual protection for the habitat. There is no long-term habitat protection. So I just think we need to be really careful when we do this kind of describing.

From the Board's point of view, the caribou protection measures are a tool, and the mobile caribou protection measures are an improved tool that has potential to help protect caribou. But protected areas of some sort are required to protect habitat. Without calving habitat, what would you expect? Of course, if there was absolutely no habitat left, there could be major ramification for the caribou herds. It doesn't seem like a very difficult link to make to me, but maybe that's because I've read some of the literature and others need to do the same, as Mitch suggested.

I guess that's my main comment is that we need to be a little more levelheaded about this and not get into these arguments that are not really based on clear descriptions to people. Thanks.

David: Thanks, Leslie. Luigi.

Luigi: To me, this last discussion is the thorough justification for the need for a caribou technical meeting. It's obvious that there are at least two sides to the story, that things can be interpreted in multiple different ways. And until there is some means of opening up this discussion to the habitat versus population discussion – and this is not appropriate at this particular technical meeting but would be much more appropriate at a caribou technical meeting.

You know, I guess my jaw dropped as well, if we want to bring some emotion into it, when I heard about the protection of the calving grounds being directly linked to habitat – sorry to population increases. I understand and I think I know where some of that discussion is coming from. I've been in the science realm myself and have done the peer review and literature searches on that.

But I'm specifically looking at our situation here in the Kitikmeot. There has been, you know, several of our mainland herds have declined without any major industrial activity in them. So linking the industrial activity to a population decline, it kind of makes me scratch my head a little bit and wonder what exactly are we talking about here. So I think NPC should be viewing this particular discussion as impetus for a caribou technical meeting.

David: Thanks, Luigi. And I guess I'll leave it...Brian?

Brian: Thank you, David. I have a question. I want to try and make sense of the question. It's a question for Luigi on the phone. It's a question for Luis. It's a question for Miguel and Bert. It's a question for the Wildlife Management Boards for both regions. The Land Claims Agreement clearly states that the bodies represent the Inuit at the community level, the grassroots level. And the folks we have around the table from the Wildlife Management Boards represent the grassroots level – the HTOs and the hunters who use the caribou itself.

But there seems to be a disconnect between the two. One wants to protect them, and the other doesn't want to protect them, or see minimal protection. I can see where that disconnect is, though the Claim directs them to speak on behalf of the Inuit. But the Inuit are saying "Protect them," but these folks are saying minimal protection. So if they can, you know, bring to the table for the record why there is a disconnect. Thank you.

David: Miguel?

Miguel: Miguel from NTI. We don't have a position - so just to respond to that. We have not suggested a position one way or another, at least not NTI – the RIAs perhaps, but not NTI. Thank you.

David: Mr. Mayor.

Barney: Thank you, David. There will always be two sides to everything. Coming from Inuit IQ, I always believe highly of it, and when we brought this to our Elders, they agreed. But potentially we can cover more ground, and we believe what we see on the map is the main core calving grounds for Qamanirjuaq herd in our area.

Caribou is part of our culture, and it helps poverty reduction in our territory really highly. Caribou feeds more families that can't afford groceries than any other species. And that's what keeps us going to protect them. We know some are working for money. They don't want to protect this, because they can make money off it. We don't know everything – why those areas – we don't know why caribou choose those specific areas. Not anybody will probably have the direct answer.

One of the questions can be, "Can it be from the minerals under the ground?" Is that what keeps the food they're eating healthy for them to eat? We don't know. They don't know. So why disturb it when we don't know? That's what keeps them going there, so why change it? We don't

want them to stop going there. That's why we're fighting so hard to protect those areas. Of course, there will always be another side. Thank you.

David: Thank you, sir. Jackie, did you want to address Brian's comment, question?

Jackie: Thank you. Jackie with the Qikiqtaaluk Wildlife Board. I don't know if I can give a full answer to that question. I think everyone can always see two sides, and often there are more sides than what is usually brought forward to a table. I think the biggest – how do I say this? I think what's key in dealing with any gridlock is clear communication. So I think part of the struggle we're having here is that each one of us is connected to a different set of communities and people. We have specific rhythms and conversations that we have, and I think all our rhythms and conversations don't match up all the time.

I think what's most important – because whether we like it or not, Nunavut has diverse needs, and they're all kind of intense right now. What Barney said is 100% true. But I can also appreciate those responsible with land title making an opposite case for development. I may not agree with it, but I can see where it comes from.

So I can't answer Brian's question directly, but I sense the solution in it is more engagement. I'm not trying to advocate for, "Well, let's talk it to death." No, if there is no meaningful engagement with honest intentions or people bringing forward what they truthfully believe in, then we'll just keep having these divides. Thank you.

David: Thanks, Jackie. Luis, do you want to take a shot at Brian's question?

Luis: Thank you, Mr. Chairman. What Miguel says – we don't have a position. We just answer the question. I don't know, the caribou workshop is an option. We say yes to it. I personally will address Brian's concerns in regard to what the disconnection is. And some of those were mentioned – title property.

Article 17 outlines all the purposes of IOL and what those lands were selected for. As land management, I need to look at the 17 items in that list when we implement Land Claims Agreement. And I believe NTI is doing the same thing. That's probably the disconnection.

A Land Use Plan as a whole, you need to see all the components, and we don't just focus on one. And that's probably where the disconnection is. The intent is not being pro-development or in favor of mining. This is just day-to-day business when it comes to mining. I mean mining has impact in the region. I mean we are the most impacted region in this issue, and if you'll notice, for the last 10 years or more, we didn't have license in calving grounds. So that tells you how we implement caribou protection measures established in the old Land Use Plan, and it didn't work. Well let's make it better, right? Let's all bring to the table.

You have to come with the mind open for the whole intent of this Land Use Plan. I mean Nunavut Planning Commission has a very big problem here if we don't define it clearly. I mean we have different – we have habitat; we have caribou population; we haven't talked about the soil classifications; population growth; Industry; Tourism – all of those facts. It's very big. It's very big when you talk about looking at all these areas into a Protected Area.

We do the best to coordinate with NTI and our Boards to get guidance for our Boards. We haven't gotten that guidance yet – they're looking at it. When that comes out, then we will be able to state our position, I believe. So Bert, when those meetings are finished.

We did move forward with the caribou mobile conservation measures dictated by our Board internally and take well by the Keewatin Land Use Plan and Keewatin Wildlife Board and Nunavut Wildlife Board. But it's a very difficult answer, Brian, the disconnection.

And it's more to do with lack of funding for the HTOs and the Wildlife Boards. They have meaningful participation and know the issues. Things probably would change. But you say, this is a very big gap, but the gap is because the only resource the Wildlife Boards and the HTOs have is to pass a motion and send a letter, because they can't take part, because there was no consultation to them, because they weren't part of those meetings, right?

So this is one of the biggest problems we have with the Wildlife Boards and the HTOs. But if they weren't involved in all those issues, we probably wouldn't have the discussion. We're probably talking the same language and don't have a position. But this is my personal view of things in terms of the funding required for the HTOs and Wildlife Boards to participate in all the events that are required for them to see what the rights of the RIAs are, what the rights of NTI are, what the rights of minerals – Article 21, the access of the Crown to those parcels that's granted by the Crown already.

So all of those things play a role when you talk about the habitat. Because at my end, the Crown grants the mineral...to access this in Article 21. It's plain and simple, same for NTI. So I'm waiting for those institutions to get the position for me, and then move forward and get some terms and conditions or guidelines to NPC about what we expect in the Kivalliq region to continue to move forward in our caribou protection measures and make it better. Thank you.

David: Thanks, Luis. Luigi, do you have anything to add to this?

Luigi: I guess Brian's question – sorry, Luigi Torretti, Kitikmeot Inuit Association – I guess the question that Brian at NPC put forward has a very black and white flavor to it: protection versus no protection. From our organization's standpoint, we don't really see it as a protection versus no protection, and I think someone at NTI spoke to this specifically.

All of the RIAs and NTI – we are all interested in the protection of caribou. The challenge that we have is which is the most effective means of protection of caribou? And that's where some of the disagreements may be seen. From KIA's standpoint, we're not in disagreement with some level of protection. In fact, the KIA has a number of Inuit Owned Land parcels that are actually close to development. That is as a matter of feedback from Inuit in our region.

So you know, protection versus no protection – that's not the debate the way KIA sees, or the way Kitikmeot Inuit Association sees it. It's just a matter of how we're going to do it, and that's where I think the workshop is hopefully going to help shed a little bit more information on. I guess I'll leave it at that.

David: Okay, thank you sir.

Luigi: Actually, I do have one more point. I do have more point, and the point is that as an RIA, we have a substantial challenge on our hands. The challenge is that we not only need to meet the economic interests of Inuit in our region, we also need to meet their conservation interests. These days with caribou in such decline, that's walking a very fine-edge sword. And we're feeling that right now because of the fact that the caribou are decreasing.

There are many Inuit in the Kitikmeot that want to see full conservation, and others that would like to see a mixture of both. It's strictly as a matter of the mandate of the different organizations. The wildlife organizations speak specifically to caribou and there is no concern about the land management issues. KIA, the Kitikmeot Inuit Association, is mindful of caribou concerns, but we also have to look at the economic interests of helping Inuit potentially get out of some of the economic downsides that they are in. So I'll end it now for real.

David: Thanks, Luigi. I think you've just described the Nunavut Planning Commission's dilemma as well. Denise?

Denise: Denise Baikie, Government of Nunavut. Just a minor comment on that: The GN also has to balance conservation and economic interests, so it's a difficult job. I understand.

David: And Stefan, I hate to put you on the spot, but do you want to add any comments at this stage, or would you rather just settle in?

Stephane: Hi, Stephane Robert from Agnico Eagle representing Chamber of Mines. Sorry to be late. The airport was closed this morning. Yeah, this is a really big thing, and the position of the Chamber of Mines is we think that the goal is to protect the caribou. That was always our goal, and it will stay our goal. But we think that we are able to do both. We think that we can do both to protect the caribou. We have a very good monitoring plan, and a plan to protect the caribou and at the same time to be able to mine and provide jobs to the Inuit.

So that is our position, and we think that – with a good monitor assessment that we go through NIRB - we think we can arrive to something that both will be protected, because one of the things we have to not forget that after the Nunavut Planning Commission, we go to NIRB, and NIRB is the one who will look at all the impacts, and look. If it's a significant impact, they will refuse the project. So we have to think very carefully about this, because if we are not able and we protect all this ground, but after that we cannot do anything on this ground for Industry or something like that... We need to look at this also on this side. But like we say, we want to protect the caribou. That is our first point, but we think we are able to do both at the same time. Thank you.

David: We'll take a break, but it kind of reminds me of the saying, "We want to eat our caribou and have them too."

*(Laughter)*

Alright, let's take a break for 15 minutes and we'll get back to it.

**BREAK**

David: Okay, so the plan for the remainder of the afternoon – and I guess we'll have to talk about whether we do an evening session or not – is to relatively quickly wrap up the caribou discussion for now, and then we'll go to the existing rights discussion now that Alan has been released from Churchill Airport. Then we'll talk about whether we have an evening session or not. My gut reaction right now is probably not, but we'll see where we are. Peter, Jonathan, you're going to walk us through the rest of the stuff?

Peter: Thank you. Peter Scholz, Nunavut Planning Commission. The original plan had been to go through eight roundtables, but based on the discussion we just had, staff would just like to combine the last seven habitat types into one roundtable and capture any points that are pertinent to those seven that people might find important.

The first is the post-calving areas. The current Land Use Plan Draft lumps post-calving in with core calving, assigning Protected Area status to all areas except where there is high mineral potential, and then just having a Special Management Area for those areas that have high mineral potential. On page 8, there's an option to continue having post-calving areas as Protected Area. Also Special Management Area with certain stipulations could be possible.

Another factor to take into consideration is that it's our observation that there seems to be significant differences between the island herds and the mainland herds, which may warrant having different sets of special management terms or different foci in the Protected Areas for mainland versus island. I think Miguel had mentioned even a herd-by-herd basis, but I know for a fact the mainland herds overlap a great deal. So that's just one thing for the caribou specialists to keep in mind is that we don't have to have the same post-calving or core calving regulations similar all the way across the territory. So that's post-calving.

The other one was key access corridors. We had presently identified them within post-calving, therefore we were assigning them a Protected Area status. The advantage of – is it possible to bring them up? The advantage of assigning them separately is if the key access corridors behave differently to caribou to post-calving, then regulations can be adjusted to suit.

The freshwater crossings, based on the data received to date, our feeling is a Protected Area status would be appropriate, because we have been told that they are very important to caribou, and they are also very small geographically.

For the sea ice crossings, this overlaps actually a bit with the marine issue that we'll be talking about coming up in that we're talking about caribou using the sea as a land bridge. As we all know, the main most important one is the one with the Dolphin and Union herd crossing to and from Victoria Island. So at this state, one option we wanted to put on the table was moving sea ice crossings for caribou from Schedule B to Schedule A and then coming up with appropriate regulations, which would be consistent with the other marine related material that we will be discussing, mainly in the marine terrestrial linear infrastructure corridor section. Obviously not that caribou are marine infrastructure, but they are using the sea, and the Law of the Sea is applying, and we want to keep both of those rules consistent with the Law of the Sea.

Then the rutting areas, based on information from the Government of Nunavut, Special Management Area designation seems to be an option to be considered. These Special

Management Areas would be quite large. The regulations that would be appropriate, we don't know at this stage.

Then there are caribou migration corridors, fairly similar to the rutting areas. It's a large geographic extent. What regulations would be appropriate is of interest.

Finally, for the largest, which is caribou range, the winter habitats, the recommendation we've received is from Government of Nunavut is a Mixed Use designation with perhaps some terms applied under Schedule B. We don't have information that would allow us to come up with something detailed at this time.

David: Okay, so I've been trying to figure out the best way to go through this, and I guess what I'll do is ask each of the parties to address each of these Points 2 to 8 quickly. If you have a preference, say so. If you don't have a preference at this point, say so. And then we'll decide later on today whether to have an evening session to follow-up on some of those themes or not. So Government of Canada, any comments on Points 2 through 8 at this stage of the game?

Spencer: No, not at this time. Thanks. Spencer.

David: Okay. NTI, Miguel or Bert, anything?

Bert: No, we don't have anything further at this point. Thanks. Did you want to add something, Miguel? Sorry.

Miguel: I reserve the right to say something later.

*(Laughter)*

Phone? We can't hear a thing. We just hear whispering.

David: We'll try to speak up, but I think it's just the phone lines. So Miguel did you want to say anything now or do you want to save it for later?

Miguel: Not at this time. Thank you.

David: Sophia? Nothing from Environment Canada and Climate Change? Warren?

Warren: Thank you very much. Warren Bernauer for the Kivalliq Wildlife Board. I'll try my best to summarize the positions that the Board has adopted on these issues. In terms of post-calving grounds, the Board has supported a Protected Area designation for core post-calving grounds.

In terms of key access corridors, this hasn't been discussed in depth by our Board, so I'll avoid making a comment on #3. On #4, caribou fresh water crossings, the Kivalliq HTOs – particularly Baker Lake and Arviat – I think have sent a lot of the information that the NPC staff was just referring to. We definitely support Protected Area status for caribou water crossings. I think the report that I wrote that was appended to the Baker Lake submission in particular, really outlines just how well documented the values that Inuit attach to the water crossings - the historical and heritage value of these areas and the biological value of them.

One note that I would make is that if there is a debate over this, I think there should be priority placed on the water crossings on the heritage rivers, the Kazan and the Thelon and Baker Lake, as well as the Maguse River near Arviat, because those are probably the most actively used water crossings to this date. But some protection is definitely necessary for all water crossings from the Board's position.

Sea ice crossings: I believe that's more of a Kitikmeot region, and we support what the KRWB wants to do there.

Rutting areas is another issue that we haven't discussed in depth, so I'll just defer that for now.

Migration corridors: This is something that could possibly be dealt with through mobile protection measures, but our Board will be discussing that a little bit more in a meeting in the next coming weeks. We hope to provide more specific recommendations on some of these areas I've skipped over at that time. That's all I have to say on these particular notes.

I'd just like to make one last comment. You know there's a lot of debate on the science and what the actual effects will be on caribou, and I think that's a really important discussion. But I hope that the Planning Commission also considers the values that people attach to these areas, and I hope that the Industry does as well, because I'm just trying to picture what it would like if a company tried to open a mine right in the middle of the Qamanirjuaq calving grounds and just how upset people would be, and what that could potentially do to the investments of a company. They could be facing legal challenges or other things.

I think even the Kiggavik Mine that we just had a final hearing for last year might be a good example. One of the biggest problems the HTO had was they were afraid the company would leapfrog from developing Kiggavik into the calving grounds. And there was high opposition to this for a mine that wasn't even in the calving grounds. So protecting some of these areas might honestly be in the best interest of Industry at the end of the day in terms of not investing a bunch of money in exploration and then just ending up having the communities try their best to shut it down and ending up in legal struggles and things like that. So that's all I have to say, but Barney might have something to add. Thank you.

David: Barney?

Barney: Thank you. Yeah, the caribou protection plan has been talked about by the Kivalliq Wildlife Board. I'll just keep it short. The bottom line is they want all aspects of caribou protected, because it's worth millions for the Qamanirjuaq herd alone and watching the other herds decline drastically and going right into moratorium. That's one thing we don't want to end up having to do with our herd. So, we're in full support of all aspects for caribou protection. Thank you.

David: Thank you. Jackie.

Jackie: Hi there. Jackie Price, Qikiqtaaluk Wildlife Board. As I mentioned earlier, the resolution passed that the KWB AGM in November spoke specifically to calving areas, post-calving areas and migration corridors. So my comments will just focus specifically on those.

And I don't have much more of a comment other than to acknowledge that on Baffin Island, our caribou herd – and I'm speaking specifically of the Baffin Island caribou – has a different personality and movement than the large migratory herds that are in the Kivalliq and in the Kitikmeot. So I just wanted to acknowledge those differences do exist, and it had been suggested to QWB staff at least that when considering protection for say, the Baffin Island caribou, focusing on corridors – migration corridors and key access corridors - might be more important. I just raise that to acknowledge the diversity amongst regions about how our caribou move and to emphasize that QWB has the perspective that protection is needed. With that recommendation comes a callout for co-management partners to work together to get a better map out there.

David: Thanks, Jackie. Ema, any comments?

Ema: Thank you. Ema Qaggutaq, KRWB. I missed the whole afternoon, but the KRWB has been having some discussions on caribou crossings and shipping routes and how it affects their migration routes in the winter and in the fall, the sea ice crossings especially. I think it's important that they are addressed in Plan – Nunavut Land Use Plan.

We're actually having some more meetings this week on caribou, so I don't really know what else I can put. I haven't been here for the last couple of hours. But I just wanted to address that it's an important issue for the KRWB, especially for the West Kitikmeot. It's being acknowledged. Thank you.

David: Thank you. Stephane, any comments?

Stephane: Stephane Robert. I will let Liz answer please.

David: Alright, Denise.

Mitch: It's Mitch Campbell with the GN. I just want a point of clarification and then I'll just turn it over to Denise. Just for key access corridors, there is some confusion over what they might be and apologies from our end. I don't think we've done a very good job in letting everybody know what they are.

A key access corridor is an area that is a combination of migratory habitat, post-calving habitat and extending calving - so those three different components. When you overlap them and when they fall outside of the calving area, they are considered to be of very high importance. They are usually very small polygons. They're not very big. But I just wanted to clarify that.

So again, it's a combination, an overlap, of corridors, spring migratory corridors in most cases. The post-calving habitat and extending calving – because the core calving area put forward by the GN is a core. It has had some of the data removed to remove outliers. But when you add the outliers in, they also overlap with those areas. Thanks.

David: Thanks Mitch. Denise?

Denise: Yeah, I'll just go through the options and the GN support. So for option 2, the GN is in support of designating post-calving areas as Special Management Areas regardless of high mineral potential

with seasonal restrictions and other potential conditions to apply. For option 3, consider assigning caribou key access corridors as a Protected Area. The GN is supportive of this.

For #4, caribou freshwater crossings, we require further time to review this option. For #5, we support assigning sea ice crossings as a Special Management Area, which was stated actually in our May 2014 submission to NPC. For #6, we support assigning rutting areas as Special Management Area with seasonal restrictions. For #7, we are supportive of this option of migration corridors as Special Management Area with seasonal restrictions. And #8, we also support caribou ranges a Mixed Use designation. Thanks.

David: Thank you. WWF?

Brandon: Brandon Laforest, WWF Canada. Just quickly, we support all of them actually, and I just want to highlight #4 and commend the KWB for their work in documenting those freshwater crossings and also commend NPC for considering them. It appears you may accept them as Protected Areas. I think it was a really good example of community-driven identification of crucial areas. It's nice to see that in the Plan. Thanks.

David: Leslie?

Leslie: It's Leslie Wakelyn, Beverly Qamanirjuaq Caribou Management Board. I'll just speak to those that are relevant to the Beverly and Qamanirjuaq caribou herds, which would exclude the sea ice crossings. That does not mean that we're not in support of them. It's just not our jurisdiction.

Number 2: The Caribou Board would support Protected Area designation for post-calving areas. If there was only Special Management Area designation for post-calving areas, we would want it to be some kind of meaningful and effective designation that provides added value of protection beyond the current designation of basically being Mixed Use for Special Management Area.

That brings me to say that in these options that are defined here, it isn't necessarily clear that what you mean is all these considerations that the GN has put forward that would be included. So what I'm assuming other people are assuming is that you would take the other restrictions and transfer them to the Special Management Areas, but I don't see that as being entirely clear the way it's laid out. So maybe I can get a clarification on that first.

David: Yeah, Peter.

Peter: Peter Scholz, Nunavut Planning Commission. We are also looking for the meat of what would go into the proposed Special Management Areas or Protected Areas. What exactly are the restrictions that the different parties would propose to go into those? There's a lot of flexibility in how these are written.

Generally Protected Areas restrict certain things from access, and that's what defines. If there is one thing that is forbidden in an area then that is what defines a Protected Area. Special Management Areas can be more flexible. So we are encouraging parties to not only define the geographic boundaries of these polygons, but also get into the meat of what restrictions they are looking for.

Leslie: Thanks. Leslie Wakelyn again, BQCMB. So in #2, as I said before, the Board would prefer a Protected Area status for a post-calving area. However, if Special Management Area is the choice made, we would support the GN's recommendations for that, for conditions or terms for the designation.

For #3, key access corridors isn't really something that the Board has discussed, but Mitch has presented it to our Board meetings, and no one opposes it on the BQ Board. That would be for Protected Area designation, because that takes into account a little bit more of the larger calving area being the traditional calving area that our Board actually would have as a first choice to see for protection.

For #4, caribou freshwater crossings, the Board has consistently recommended they be protected in some manner for many years, and we're glad to see that the Kivalliq Wildlife Board has put that recommendation forward as well. I would say, though, that the list of freshwater crossings does need to be updated. So you've got some information from the Kivalliq region, and I would say that other information could be obtained from satellite collar data and movement data over the last 20 years as well, and that would be added to the designated water crossings that are described as part of the caribou protections measures, because they are quite old. It certainly needs to be updated.

Rutting areas hasn't been described or discussed by the Board in any way, I guess, so I won't comment on that. I'll just say I would doubt that the Board would oppose protection of rutting areas, because they know they are important. Again, I would not have any specific recommendations, but I would say as a starting point, those that the GN recommended would be a good place to start.

Migration corridors as well – same thing. We'd support Special Management Area status with actual restrictions, seasonal restrictions. Then the rest of the caribou range being a Mixed Use designation with cumulative effects referrals in effect would be something we would recommend.

Then I'll use this also to raise the point I mentioned before about mobile caribou conservation measures being one tool that could be used to apply seasonal protection measures. That would be outside of the Protected Areas.

Then the other question would be, what would the fate be for water crossings if they are not in either Protected Areas or subject to some kind of caribou protection measures? So that question would be basically on the table to discuss. Thanks.

David: Thanks, Leslie. Luis, anything?

Luis: I'll pass at this time. Thank you.

David: On the phone...Miguel, sorry go ahead. Alright, we'll go to the phone first. Liz, are you on?

Liz: Hi. Thank you. I am on, but I have no comments at this time. Thanks.

David: Thank you. Anybody else on the phone who has a comment to share?

Mike: Mike Settingington with Environmental Dynamics and again I'm just going to repeat a statement that I made before, just the biological rationale for identification of some of these areas and a peer review of the methods used to do it.

So migration corridors in particular, the methods that were presented to us - there were migration corridors defined in the search radius. But the corridor analysis is using 20km, so I assume that individual caribou collar locations were buffered by 20km, which is an estimate of maximum line-of-sight that caribou have on relatively flat terrain. I understand that caribou, their eyesight is fairly poor. But then the one citation given for that method is the author themselves that did this consulting.

So again, Mitchell, I'll circumvent you that yes, it will say it in the literature. If it does then give us that good biological rationale of how these are defined. When it comes to the key access corridors being in Protected Areas, and even hearing groups talking about yes, it was discussed – it's kind of a new feature. You know, I don't see a biological rationale for that key access corridor being included in a Protected Area.

As far as the other areas go, for the different seasons, having been involved in developing a number of caribou protection plans or wildlife mitigation or monitoring plans, I think we've always recognized these areas calving areas, post-calving areas, potential freshwater crossings, sea ice crossings. We've never considered rutting areas as particularly sensitive, and that has even come out of some Traditional Knowledge work that we worked with hunters particular on North Baffin Island. It's never been a consideration to be a sensitive time of year. But again, if the biological rationale is there, then present it.

Migration corridors have always been a key thing to look at too, and projects in the development stage that go through the Nunavut Impact Review Board process are under intense scrutiny by a number of regulators including a lot of people in this room, including the mainland area. For the Kiggavik process, we went through some intense modeling and some good development of wildlife mitigation monitoring plans that could still use improvement, but those areas have always been considered regardless of their presence in the Land Use Plan or not.

So caribou protection is always paramount for wildlife mitigation monitoring plans based on the presence of caribou and key habitats when they're known and identified. So I don't have any comments, except key access corridors were a new thing thrown in, and rutting areas being considered sensitive – I've just never seen that in the literature anywhere. But I'm sure I'll be referred to the literature.

David: Thanks, Mike. I think you're about to be referred to Traditional Knowledge. Barney.

Barney: Thank you, David. Barney, Mayor of Chester. Yeah, that's one thing that has been passed on traditionally from generation to generation. We were taught seasonal hunts, when to hunt females and when to hunt males. And I'm pretty sure you were taught the same thing hunting deer. There's really no difference in that.

IQ, yep, we were taught. We were raised by our Elders. We know when to hunt females, and we know when to hunt males. And when males are rutting, we don't hunt them. Thank you.

David: Thanks, Barney. Mitch?

Mitch: Yeah, thanks very much. Mitch Campbell, Government of Nunavut. I think it's pretty straightforward from the literature on disturbance that if you disrupt a rutting group of caribou, they're not going to rut. So I'll leave that one there. I think it's pretty basic information.

As for key access corridors – and Mike you've seen the animations, and they're consistent right across the board. Key access corridors essentially are where caribou funnel onto – primarily onto but also to a certain degree off of – calving areas. And I think again, it's pretty obvious if you were to...and the polygons are extremely small. But if you were to go into those areas and disrupt that flow, you wouldn't get caribou onto the calving grounds. So you can protect as much calving ground as you wanted, if the caribou are not going to reach there, it's not going to do much good.

It's like, you know protecting space for a pool but blocking the hose so it can't fill up. It's just kind of...to me it's a logical progression. Anyway, that's the explanation. Thanks.

David: Okay, thanks Mitch. Anybody else on the phone? Luigi?

Karin: Thanks David. It's Karin Clark here from GNWT. I would just reiterate our position that I stated earlier but perhaps using Leslie's words. Our position is that caribou habitat be protected on the calving ground, and by protection we mean the restriction of all types of industrial activities.

Secondly, our position is to protect caribou from disturbance in post-calving areas, and that could be through caribou conservation measures that have been discussed. Thank you very much.

David: Thanks, Karin. Anyone else on the phone?

*(No response)*

So we'll close it off for now and do some thinking about whether and if there is time to pursue this discussion further. One thing I want the Nunavut Planning Commission to consider, though, is we talked about the time constraints for a workshop, and should it even be considered by the Commission. And I'll just plant the seed that while I understand that you'll have to hold a workshop to change anything in the documents that are going to be coming out in early April, it might still be of benefit to hold a workshop later to allow for additional planning. That would help the parties come to better positions arguably for the hearing itself. So I'll just plant that. And I guess now we're going to move on to existing rights, so I'll turn it over to the Planning Commission to introduce the topic, and we'll go from there. Thanks.

## **EXISTING RIGHTS**

Jonathan: Thanks very much, David. I'll just note this is on page 34 of the English version of the document, Section #18. So the issue to be discussed in this case is should projects with existing rights be required to conform to the Land Use Plan if there is a significant modification to the project, including for the advancement from mineral exploration to mine development?

So the 2014 Draft Plan approach is that it would apply to a project if there is a significant modification to that project. In particular, the Government of Canada has provided some articulation on options for projects with existing rights to be exempt from conforming to the requirements of the Land Use Plan in order to pursue those rights to the end of the lifecycle of the project, from something like a prospecting permit or mineral claim through to full mine development and closure.

Summarizing the options that we are considering: Option #1 is consider exempting projects with existing rights from the Nunavut Land Use Plan, including modifications necessary to advance to different stage of their lifecycle. The implications of that option is that projects with existing rights would not be required to conform to the Plan, even when there are significant modifications, including advancing from exploration to mine development.

A second option would be to consider noting in the Land Use Plan that Plan amendments relating to proposals involving significant modifications to projects with existing rights will be considered in areas where the uses do not conform to the Plan. Just on page 35, the implications of that option would be that an existing project in a Protected Area would need to apply for a Plan amendment to make a significant modification to the existing activities - again, for example, mineral exploration to mine development. And further we just note for discussion, will there need to be compensation in the case of expropriation? Thanks.

David: Thanks, and I'll lead off with the federal government.

Spencer: Spencer Dewar, Government of Canada. We're in favor of Option 1.

David: Nothing more need be said I guess?

Spencer: Yeah, we're certainly willing to explain our position and have more discussion, but you know, we'll start with that.

David: Alright, so I'll turn to NTI then. Miguel or Bert?

Bert: Thanks, David. Bert Dean with NTI. Yeah the notes we have – and I don't think Naida or Marie are on the phone, but they could add in, in case they are. But NTI has been reviewing this, and they had received the Government of Canada's clarification, I guess, as it's labeled. So that's still under review. And again, I can't get too ahead of myself, because they have been doing briefings with our NTI executive today, so I'm hoping we'll have further updates from them. Again, I'll turn it over to the phone in case someone is on or could possibly add something more. Thanks.

David: Anybody on the phone from NTI that is prepared to comment?

*(No response)*

Apparently they have left the room. Sophia. Whoops, sorry Brian?

Brian: Thank you, David. Brian Aglukark, Nunavut Planning Commission. I just want to remind Bert there's a deadline coming soon around the corner in terms of providing comments that may be

put into consideration as we start doing the redline version. So this is just a heads-up for NTI. Keep that in mind. We'll discuss that more in detail sometime this week.

David: Thanks, Brian. Sophia?

Sophia: Sophia with the Nunavut Impact Review Board. Just a question on process if Option #1 was to be considered and the project proposal went from the usual exploration to a mine development: How would the NIRB see that project proposal if it was exempt from the Land Use Plan? Will it still be forwarded to NPC for them to look at to see that it's exempt from the Land Use Plan and then referred to screening, because that's what is required under NUPPAA? So I'm just not quite clear how that would go ahead. Thank you.

Spencer: Thank you. Spencer Dewar, Government of Canada. Good question. It is our intention that existing rights be exempt from the Land Use Plan only and that the robust regulatory system that is in place - such as NIRB, water licensing - all remain in place. So I do believe in our Clarification paper we talk about, you know, companies still going through the Planning Commission, business as usual as envisioned under NUPPAA. And things would just be exempt from screening, but they would go on to NIRB, etc. etc.

Ken: It's Ken Landa from Justice Canada. Sophia, your question raises an important point of terminology, and Canada's paper talks about exemption from the Land Use Plan. That may not have been the best choice of words, because the intention is to be exempted from the restrictions in the Land Use Plan, not exempt from the application of the Land Use Plan, and that's a subtle difference that may only make sense if you're looking at it from that jurisdictional perspective you were coming from. So the project is not taken out of the application of the Land Use Plan. The Land Use Plan itself ensures that its restrictions do not block projects where there are preexisting vested rights. Is that helpful?

Sophia: Yes. Thank you.

David: Peter, Jonathan and Brian all have comments but I have one first. Can you remind us what you mean by 'existing rights?'

Spencer: In our paper, we provided in quite detail what existing rights we're actually talking about. It spans the gamut from the subsurface as issued under the Nunavut Mining Regulations, and surface rights as issued under the Territory Land Use and Territory Lands Regulations.

David: Well forgive me, because I didn't read the paper. So if somebody has a prospecting permit – a claim I should say – a claim is registered. That's the existing right, and it doesn't extend into potential next steps, or in Government of Canada's view, would it be grandfathered from cradle to grave basically?

Spencer: Yes, that's the intention. Now from application under the Land Use Plan, we're not talking that, you know, you don't advance a prospecting permit to a mine without further review, right? All the robust regulatory regime that applies today will continue to apply. It's just the Land Use Plan in and of itself is not going to change the rules for those people that hold tenure at this time.

David: Yeah, okay. I understand that, but tenure right now... Use a mineral claim as the tenure. That's a sunsetted, time-limited right unless it advances to the next stage, which is a different kind of stage. But just so I'm clear, what the Government of Canada is proposing is that anything that happens following the registering of a mineral claim is essentially grandfathered throughout its potential future to mine closure.

Spencer: Yep, that's the proposal.

David: Okay, alright.

Spencer: So, now that be said, like prospecting permits, they're nontransferable. They're delineated three years south of the 68<sup>th</sup> parallel and five years above. If those were to expire, you know, the right would cease to exist. Anyone who applied for a prospecting permit going forward would be subject to the Land Use Plan.

David: And just one last question before I turn to the Planning Commission. Access roads – arguably or hypothetically a road to access a mineral deposit that's 50km, 100km from an existing road – that would also be grandfathered?

Spencer: It is our intention that there is something grandfathering for ancillary works, but we would want them – and I'm just looking for the wording to be precise – what we wrote, it should be emphasized that the exemption of ancillary operation is intended to be the exception rather than the rule. So I guess it comes down to if it's necessary for the viability of the project, a case could be made for the exemption. But I do believe we want to find the spot where people will do their best to live with the Special Management Areas or designations as indicated in the Plan.

David: Okay, questions from NPC.

Peter: We'll have a question and a request. The request is what Ken Landa said a few minutes ago he'd repeat. But I'll ask for one point of clarification first is that de facto, if you look at the screen on the right, the red, purple, and the yellow – which are the mineral leases, prospecting permits and mineral claims collectively – would effectively sort-of be exempt from the planning. They would come to us...they would be grandfathered or, you know, subject to existing rights. Then the NPC would be limited to deciding whether the project then goes to NIRB or not. Is that an easier way of understanding the Government of Canada position?

Spencer: If that's easier for you, yes.

*(Laughter)*

David: Maybe I can make it really easy, because I tend to operate as clearly as possible in my own head. All those colored areas would be effectively subject to a pass-go from the Planning Commission. The Planning Commission would not have any real ability other than to refer it straight to NIRB, or the screening process, whichever applies.

Spencer: Yes, Spencer Dewar, Government of Canada. That is correct.

David: Jonathan?

Jonathan: So I thank you for that clarification, because that was the same thing I was driving at. I was just looking to clarify that Canada is proposing an exemption from all requirements of the Land Use Plan, not just those requirements that would prevent the project from proceeding. So for example, if there was a prohibition on mine development in an area, the project could be exempt from that prohibition but still be subject to additional conditions, or if there is direction to regulatory authorities to consider certain values where there are setbacks from migratory bird habitat that would not prevent the project from proceeding, is it worth considering those aspects of the Plan could apply.

Spencer: Well, direction to regulators, we're requesting that it becomes information for decision-makers, so of course, that information would apply as tenure advanced. Right?

Jonathan: Okay, so if that was applying, it wouldn't be a clean exemption from the Plan entirely. It would be an exemption from those aspects of the Plan that prevents it from proceeding. I think there's an important difference there to make, because the Plan does more than just prohibit certain activities.

Spencer: The intention is that it would be exempt.

David: Okay, well I think that's pretty clear. Miguel?

*(Laughter)*

Miguel: Thank you, David. Miguel from NTI. It seems to me that all subsurface IOL is registered mineral tenure. Should it not also be considered to be exempt?

Spencer: Subsurface IOL?

Miguel: Yep.

Spencer: I would leave that up to NTI to make that case, but following the federal lead of an exemption of existing rights, it would stand to reason that, yes.

David: Alright, Vicky? This is getting interesting.

*(Laughter)*

Vicky: Vicky Johnston, Environment Canada. I'm sorry. Can you repeat your question, because I don't think I caught the whole thing?

Miguel: Miguel from NTI. It seems to me that all subsurface IOL is registered mineral tenure. Therefore, it would fall under the umbrella of what the federal government is considering to be exempt from – not exempt from the Plan – but as Canada has explained. That was my question.

Spencer: So, are you considering like, where Canada provided like in the signing of the Land Claim Agreement the transfer of Inuit Owned Land?

Miguel: It's essentially mineral rights. Is that not correct?

Spencer: Okay. I'm going to have to defer that one to Ken Landa.

*(Laughter)*

Ken: So, I think that's a great and interesting question. Canada's existing paper doesn't cover that question.

Miguel: That's why I'm asking.

Ken: Yeah. I think there are two perspectives that could be brought to bear on that, and I don't know yet what Canada's perspective is. One perspective would be that the holding of that mineral interest by NTI is the same as the holding of that mineral interest by the Crown and say, no, Canada is not asking for exemptions where an industrial actor hasn't got a claim. So we would say if an industrial actor has a claim over NTI held minerals, then yeah, that seems to be a pretty good analog for what Canada's suggesting. But NTI holds it and there is no industrial actor with a claim, then we would say no, that's not an analog to what Canada is suggesting.

David: Miguel?

Miguel: Thank you. Miguel from NTI. I guess it's something for future talks. I think our legal folks have to chat about this. I'm no expert in these legal matters, so I certainly wouldn't presume to go that direction, so I'll leave it to future discussions. But I think it's something we should definitely talk about. Thank you.

David: Yeah, and not just you guys. Brian and then Peter?

Brian: Thank you, David. Brian Aglukark, NPC. Again, I'm going to stress: NTI, the clock is ticking, so you'll need to get your paper done with your legal department sooner than later. Thank you very much.

David: I think Miguel would like you to repeat that. Basically, Miguel, what the NPC has set up is a schedule for comments. If you want to get them in, you have to get them in relatively soon. But we'll get to that process stuff later this week. Peter?

Peter: Peter Scholz, Nunavut Planning Question. *(Laughs)* Nunavut Planning Commission...

*(Laughter)*

Question for Miguel and Bert, which is some of the largest IOL subsurface parcels are offshore islands. I'm thinking particular South Baffin and the Belcher Islands area. My understanding from Rosanne is that those parcels were not necessarily to be considered for minerals, so I'm just curious if your comment – doesn't have to be answered now – but whether your argument would include those islands as well?

Miguel: Miguel from NTI. I'm not actually proposing that those parcels be used for anything in particular, that they would be open for exploration. That would be up to the RIAs. We defer to the RIAs as to

whether they want exploration or not. It's simply a matter of principle as to whether or not of mineral tenure and how it would be applied. That was all.

David: Thanks. Sophia.

Sophia: Sophia with the Nunavut Impact Review Board. Just maybe a question for INAC: Just on the option there that you're indicating that any significant modification should be exempt from the Land Use Plan, my question maybe is just related to NUPPAA where Section 146 states that any significant modification should undergo an assessment of NUPPAA and that includes NPC.

So I'm just curious. I didn't read the report that you put together, so I do apologize for that. But I'm just curious how this can be implemented when in NUPPAA it indicates any significant modifications...

Ken: Sophia, don't apologize for not having read the submission. There's a mountain of material, and that question wasn't handled in any way. I think the answer to that question is the same as the answer I gave to the first question, which is it's not exempt from the Plan and it's not exempt from that conformity determination. But the terms of the Plan itself ensure that projects can undergo significant modification without the Plan prohibiting or restricting them.

Sophia: Sophia with the Nunavut Impact Review Board. I guess it's just maybe wording, that maybe instead of using 'exempt,' a different word would be used. That project proposal that is presented now in front of the Land Use Plan would follow the original terms and conditions that were provided to that. I'm not sure. It's just 'exempt' seems very (*inaudible*). Thank you.

David: Okay, thanks Sophia. Bruce, Vicky anything? Warren?

Warren: Thank you. Warren Bernauer for the Kivalliq Wildlife Board. The Kivalliq Wildlife Board is very, very concerned with this proposal. They feel it's far too large of a blanket exemption that's being proposed here. We don't feel that – the Board doesn't feel that the robust regulator regime will still apply to projects, because the Nunavut Planning Commission and the Land Use Plan it develops are a core aspect of those regulatory regimes.

This is especially concerning the way that you're suggesting that it apply to really basic-level existing rights, like prospecting permits, because Inuit hunters aren't consulted on the issuing of these permits. The only mechanism for consultation for these low-level permits is the land use planning process.

*(Laughter after two individuals left the conference by phone in succession)*

Nobody wants to listen to me talk, clearly.

*(Laughter)*

David: I was just going say, Warren, don't take it personally.

Warren: I don't. I'm kind of boring. It's really alright. This is all going on the transcript. It's awkward.

*(Laughter)*

So this large blanket grandfathering, the Board really feels makes this land use planning process of very limited value, and the Board supports a far more minimal version of issues exemptions. We still have to discuss it and put forward our final written submissions, but I assumed that it would be something closer to what's actually inside of NUPPAA, which is much more minimal and exists in federal legislation. Thank you.

David: Thanks, Warren. Barney?

Barney: Yeah. I brought this up with our council members too, and they were against that as well, because we never have any say when they're going to explore in Crown lands. We have one that has been going on just west of Chester, and they're right in the inlet where the caribou migrate and cross the waters to go to the other side of the inlet. Yeah, right from the start they were pretty against that, even grandfathering, because they don't come to our communities, and they don't consult with us. They don't let us know what's going on. That's just one example. They're right in the water crossing. So that raised a lot of questions, and a lot of hunters came to report on them to us, but they're on Crown land and we have no say. They don't even consult with us. We don't know when they're coming. We don't know when they're going. So, we're against it too. Thank you.

David: Thank you, Barney. Jackie?

Jackie: Thank you. Jackie Price, QWB. We'd like to acknowledge the work of the Kivalliq Wildlife Board in raising this issue. Our Board was first introduced to this based on the letter and information KWB was providing NPC. From QWB's perspective, we have begun to seek our own legal counsel on this, so we too, appreciate learning about upcoming timelines.

With that being said, what Warren and Barney have mentioned is true. There is concern, because anyone can be a prospector, and they don't have to interact with the community at all. That sets a slightly unfortunate precedent. Although QWB doesn't have an official stance on it, I sense we'd be aligned with what the Kivalliq Wildlife Board has recommended about amending what the two options being proposed here. Thank you.

David: Thanks, Jackie. Ema? Stephane?

Stephane: Stephane Robert from the Chamber of Mines. We agree with Option 1, and because for sure when we spend a lot of money on a property, we want to get all the permits. We expect that we'll be able to mine. That is the expectation. What the Chamber wants is clarity. So if we receive a permit to do exploration, we should be able to mine. If not, we should not receive a permit. So that, for sure, is our position that we agree with Option 1. Thank you.

David: Thanks, Stephane. And I guess it just underscores the mineral rights regime in Nunavut and in the NWT for that matter, that once you acquire a right – claim – then you have the implied right to develop it to a mine and mine closure. In fact, in some ways, you have an obligation, at least at some stages of the process. You have an obligation to do work on that site. So that's the dilemma I think that this raises. Government of Nunavut, any comments?

Mitch: Yes, thanks. I just want to clarify something here, and it's just speaking to some of these other comments that the calving grounds are covered with these prospecting permits, as are other caribou range. And it seems that is something this Board should be incredibly concerned about. And I'll turn it over to Denise from there. Thanks.

Denise: Okay, so Denise Baikie, Government of Nunavut. Unfortunately, our legal advisor couldn't be on the phone for this conversation. The GN is reviewing the existing rights issue, but we have no formal position or recommendation regarding existing rights currently, and I know there are upcoming deadlines, which we are working hard to meet. Because GN has identified this as an important planning issue, which requires further discussion internally. Thank you.

David: Alright, World Wildlife Fund. Brandon?

Brandon: Brandon Laforest, WWF Canada. We're still refining our view on this as well. We can say we're definitely not in favor of Option 1, but some other option more likely. We're trying to be value-added in coming forward with options and not just opposing it, so we have a consultant working on that. We anticipate being able to submit something on time in the NPC timeline.

I did want to raise one question if GoC can comment or not on requests from KWB, WWF, BQCMB to issue a moratorium on issuing leases from now until when the Plan is put into place? It just seems like a bit advertisement for a free-for-all right now. Until the Plan is put in place, a prospecting permit could be issued, and then exempted from the Plan. Thanks.

David: Spencer, are you thinking of responding?

Spencer: Spencer Dewar, Government of Canada. I'm not sure of the status of that correspondence at this time. Part of the existing rights clarification paper, we did entertain coming up with a date where we could, you know, draw in the sand so from that day forward – like it doesn't have to be the day that the Land Use Plan comes into effect. It can maybe be earlier. But then from that time, we can start to tell clients or proponents or people in the mineral tenure industry that this Land Use Plan is moving forward from this date. It may have implications on your future tenure.

One of the reasons why we're putting this existing rights protection position forward is that it hasn't been done. You know, we're really just changing the rules on Industry, which has come in good faith and thought there was a regulatory regime that provided the certainty, right? So we want this Land Use Plan to provide that certainty and clarity going forward, and we think the protecting of the existing rights to date has to be there to ensure that continuity going forward.

David: Yeah, I think part of the problem that people are wrestling with is terminology again. Most folks would think of existing rights as the rights you have right now, and when those expire, they're done. And anything newly acquired in that particular area is subject to the rules at this time, not the previous time.

The problem with the mineral rights acquisition and implementation process is the implied existing rights in the future, and that's the real crunch here that people are trying to wrap their heads around. It's got implications, broad and narrow. Leslie?

Leslie: Thanks. Leslie Wakelyn, BQCMB. I guess I'd just like to reiterate some things other people said because our Board raised these issues in November at our Board meeting. It's the blanket nature of it, as Warren described, that is of great concern I think. That's partly because a number of years ago the Board monitored mineral tenures on the Beverly and Qamanirjuaq calving grounds, so we would show a map at each meeting that showed the dynamic nature of how prospecting permits changed to mineral claims to leases and that kind of thing.

So people are quite aware that in a few months' time, the picture can change drastically. So between now and whenever this date is that we may or may not come up with, when people can sign up for prospecting permits or mineral claims occurs, there could be, you know, a big rush to do this. It's an opportunity people see that this is something they better do now, because they won't be able to do it later and with the same opportunities in place at least.

But also that the prospecting permits are going to be discontinued soon when things get sorted out, and there's going to be an online staking system soon. So there are a bunch of things happening from a caribou harvester's point of view and people that are watching the status of the calving ground's point of view. It could be a whole lot easier for people to rush in and claim a bunch of areas on calving grounds. That's the greatest concern.

So to go from even a prospecting permit where people have had very little investment in exploration all the way up to a mine seems a bit of a stretch really, and for the whole entire territory of Nunavut as well. Because what people have raised examples of is individual national parks or something where this has come up, and the option has been you grandfather the right or do you provide compensation. And in some recent cases, the government has decided to grandfather, so there's Nahanni and Nááts'ihch'oh National Parks in the Northwest Territories that have mines or mines being developed, and roads, and things like that.

So this is the image that people have in mind is that this is going to happen, because you're opening the floodgates essentially. And so that's why there is so much concern. So I think while the Board would definitely say they're not supportive of Option 1, as it's now written here, I guess what we're all trying to say is that we see that there is some kind of need to allow rights to exist, but we don't want to see it as such a blanket option.

And also, aren't there other options like compensation or land swaps or some other creative ways of dealing with this? Does it really have to be grandfathering absolutely everything throughout the whole territory and that's it? So maybe we can think about it a bit more before we offer this as potentially the easiest thing on paper to do. And I know compensation gets governments really excited, because they think it's going to be a big deal, but possibly in a few cases where there's just a prospecting permit – somebody's in the first year of exploration – you can compensate them or give them a land swap or something fairly easily and cheaply, so it doesn't have to be one-size-fits-all everywhere, and of course, from the caribou point of view, particularly on the calving grounds.

Then just one more thing as an example when we were monitoring what's going on: A couple of years ago, the last map we put together showed there was more than 300 mineral tenures on the Qamanirjuaq calving ground. So it's a big issue potentially, and that's why we're, you know, concerned. In this case, there was I think eight prospecting permits, which of course, covered the largest area of land, and there was some small number of mineral leases. So the majority of that

was mineral claims. So if an online system brings this, you know, into play and it's way easier to do before the date when we can't consider the danger as great, it's yeah, a big concern that I think we need to think about and clarify, sort out definitions, and see if maybe there are other options rather than the blanket approach. Thanks.

David: Okay, sounds like another workshop. Luigi...Luis sorry!

*(Laughter)*

Luis: It's the same name, different language. Thank you, Mr. Chairman. Luis Manzo, Director of Lands, Kivalliq Inuit Association. This is another contingent issue, but I'm going to be straightforward with you. We have already leases, surface leases, rising from mineral development. We also have commercial leases, again for mineral development, mineral tenure. And those leases we also have compensation granted to us for the protection of the waters, for wildlife just arising from the Land Claim, and also we have agreements and the Dene overlap, which we already agree with the existing rights in those overlap issues.

So, even though NTI does not have a position yet, we would put forward that the existing rights be maintained, grandfathered. We're talking about millions, millions of dollars, going backwards, and you don't want to get into that. You don't want to get into that particular issue, really.

We went and asked our legal counsel in regard to it, and in any agreement, they assign usually by Common Law, the grandfather is granted regardless, because they existed before that agreement actually exists. So this is just to keep in mind. It's a very difficult issue to agree with, but we already have agreements with the feds, agreements with GN, and Dene and Manitoba – the province of Manitoba – and we went through the same situation. We are going to open that for a workshop too. You're going to end it for the Common Law situation, the rule of thumbs. Grandfather is a must. It's just the way it is. Everybody will argue for your rights, but it's a new legislation. Common Law applies. I won't go forward yet in it until NTI receives our report and the legal counsel, but that is very much the position right now. The other option of paying compensation, we don't want to get into it. Thank you.

David: Thanks, Luis, and I'm just picking up on your comment. I think most people can wrap their heads around easily enough the notion of grandfathering surface lease and subsurface lease. It's when you step back further into the mineral claim and grandfather from the mineral claim all the way forward. That's the glitch. So I guess I'd encourage people to think about, as Leslie has suggested, other options, and perhaps the more traditional approach of grandfathering leases in the next stages is not nearly as problematic as grandfathering claims all the way through the process. Vicky?

Vicky: Vicky Johnston, Environment Canada. I just wanted to offer up a piece of factual information, because you were addressing the question of, you know, contemplating some sort of compensation, for example for prospecting permits. And in fact, there is precedent for prospecting permits to be relinquished and the price of the permit itself to be returned to the proponent. So this is not something new. Thank you.

David: Yeah, although Vicky I remember that incident very clearly, because I was the one involved and enabling the company to relinquish its prospecting permit. I was told in no uncertain terms afterwards, "Don't ever do that again."

*(Laughter)*

Vicky: But there is still a precedent.

*(Laughter)*

David: Miguel.

Miguel: You responded to me, oh good. *(Laughs)*. Miguel from NTI. Just since we're talking about numbers of agreements and such, I thought maybe I'd just take a second to quote the numbers that we're looking at. So the caribou calving Special Management Areas intersect with 23 NTI exploration agreements, encompassing 69,000 hectares, 7 Crown permits – like the prospecting permits – 40 Crown leases, and 482 Crown claims.

The caribou calving Protected Areas as presently offered by the DNLUP intersect with one NTI exploration agreement, 3 Crown prospecting permits, no Crown leases, and 550 Crown claims. So just some numbers, since we're throwing them out. It would be good for everybody to be aware of them.

If I could just have two more seconds here. I wanted to respond way back to what Warren had said earlier. You were expressing concerns about land use, and I just want people to consider that perhaps Inuit organizations might be able to afford better protection for their lands than generalized regulations. So if you were to put control of Inuit Owned Lands in the hands of Inuit, perhaps they would protect it better. Consider it as an option anyway.

And in response to Ken Landa earlier, it just occurred to me that if we went forward with arguments, although I can't define legal terms and such, we might be tempted to argue that NTI has done activities that would be consistent with exploration because we've done ground truthing. We've got a geologist on staff. We've gone to those lands. We've explored them. So it's something we might argue in the future if we're to go down that road. That's it. Thank you.

David: Okay. I'm not sure you're helping or hindering the government's position. Barney.

Barney: Thank you, David. Yeah, that's exactly why we raised the concern, and that's exactly why we're opposing what the government is requesting. I say 98% of the Inuit living in Nunavut don't know anything about those numbers. They have no idea that the numbers and permits requested are that high. We don't just want people walking all over our land. And they elect their Board members hoping they'll get feedback with what's going on in their regions, but sadly they don't always get the feedback they want. There are only a small number of elected parties that will give feedback to their electors.

More often than not, I'm starting to hear this common Nunavut. It's not Nunavut. It's theirs...theirs. It's not the people's land. It's not our land. It's their land. So how else can I express that? Thank you.

David: Thank you, Barney. I've neglected the folks on the phone. Are there any folks out there that would like to add to the conversation?

Rosanne: Hi, it's Rosanne here from QIA. There is just one section of that I thought maybe the federal government could explain this in their kind of position, I guess. It is my understanding that what is currently proposed in NUPPAA might not go as far as what the Government of Canada is proposing now, in that in what stage, I guess would it be actually grandfathered in, as to whether it would be prospecting, lease, a permit... So I was just wondering if they could maybe elaborate or explain what the differences are between what's explained in NUPPAA and in the position that the Government of Canada is putting forward.

Spencer: Hi, it's Spencer, Government of Canada. We have a section in there that says how we feel that this is complementary to the application with NUPPAA. Have you referred to that section? Page 3?

Rosanne: Yeah, I read that but you're saying that the Commission can go above and beyond what's in NUPPAA in order to enforce what the Government of Canada's position is.

Spencer: Yeah, to provide additional exemptions, as long as it's consistent with the provisions of NUPPAA and the NLCA.

Rosanne: But I think it's my understanding that what's explained in NUPPAA is not the same as what the Government of Canada is proposing.

Spencer: I see them as consistent.

Ken: Hi, Rosanne. Ken Landa from Justice Canada. I think I understand your question, and I think it's very similar to something that we heard in writing from NTI earlier. And I think you're referring to Section 235 of NUPPAA in the Transitional Provisions. That's a lot of "I thinks," so do you think I have that right so far?

*(Laughter)*

Rosanne: Go on...

*(Laughter)*

Ken: Okay. So, what NUPPAA is doing there is setting out a list of things that no land use plan could go beyond. No land use plan can affect those things that are grandfathered in by the act itself. What Canada's present paper is about is about those things where the Plan would have jurisdiction to affect those things, and Canada's submission is that the Plan should be drafted in such a way that it does not affect those things. I think that's the difference between the NUPPAA provision and Canada's submission.

Rosanne: So I guess I'm just trying to understand for myself so that others maybe around the table understand as well, but what would some of those things be?

Ken: So probably the easiest example from Section 235 of NUPPAA is the Land Use Plan cannot affect a project that's already under assessment in front of the Planning Commission or NIRB. So that's not a choice that the Commission has to make. The Plan cannot affect that. What Canada's present paper is about, where the Commission does have choices to make, a Plan could affect something and Canada's submission is the Plan should not affect those things.

Rosanne: Okay, I'm not sure if we're talking about the same thing, so I'll go back and make sure I understand clearly. I thought it was explaining the point at which something would get grandfathered in.

Ken: Ken Landa. I think they are both...I mean, grandfathering is a useful term, and I think they are both different kinds of grandfathering. One's a statutory grandfathering, and what Canada's submission now is that the Plan should be drafted in a way that it, itself grandfathered certain activities.

Rosanne: And those activities that are being proposed by the Government of Canada are the prospecting permit and on?

Ken: The development of the mine that is attached to the land where the prospecting permit was.

Rosanne: Yeah.

Ken: Yeah.

David: Any follow-up? Rosanne?

Rosanne: I do. I still am not... I think that's the part that we're not sure about that we're talking about internally. I'm just trying to understand if NUPPAA is saying the same thing that the Government of Canada is putting forward, and if they are, then we still need to discuss internally how we feel about that. I'm just trying to get clarification on the GoC's position versus what NUPPAA says.

Spencer: Spencer, Government of Canada. It's not our intention to go against NUPPAA, or the NLCA for that matter. It's to work within those frameworks.

David: Okay, I'll leave it – Rosanne you can raise it again in subsequent days if you like, but for now I'll just ask if anybody else on the phone has comments. Leslie has a comment, and then given the hour, I think we should adjourn pretty soon. Anybody else on the phone with follow-up comments?

*(No response)*

Okay, Leslie?

Leslie: Thanks. I just had a couple of things I kind of mentioned before, but I should have made it more of a point of asking questions. But first I'd like to say, I'd like to thank the Government of Canada for their Clarification paper, because I thought it was really helpful and very explanatory, so that helps. Thank you.

But I would like to raise the point that is here on page 2 where it said that in order to avoid a potential staking rush that the exemption of existing rights may cause, a preset date could be considered for exempting existing tenure from the changes being proposed by the Land Use Plan. This would require some further discussion on how to implement. So I'd like to say, yes please. We should have further discussion on this. Discussion, as well as how to manage the fact that the online staking system may be in place before the Land Use Plan is finalized, and they may open up a whole another array of things to consider. So we should anticipate that and figure out what to do about it, and help NPC deal with it as well. Thanks.

David: Okay, thanks Leslie. So we will have opportunity, I suspect, later this week to pick up the discussion if need be. Any other comments people have? Warren?

Warren: Can we continue this discussion tomorrow? I have a lot of further questions, but I don't want to tie us up at this hour.

David: Yeah, what I am going to suggest is that we try to get through the rest of the agenda and then come back to this. And that way too, if you have sidebar conversations, we may need to follow-up. So we'll pick up the agenda tomorrow. I'm sensing that there's no need – no appetite I should say – to continue the discussion later tonight on caribou. I think we've got enough flexibility not to have to work tonight. Brian, you okay with that?

Alright, and just a parting comment. In my long history with the Government of Canada, I regret to say, Ken, I did receive conflicting advice from legal counsel from time to time. And one of the things I think I recall being told is that when it comes to legislation, if it's not specifically permitted – explicitly permitted – then you probably can't do it. And I can give you the legal counsel reference on that one if you like – one of your colleagues. So I just throw that out there too.

So 9:00 tomorrow morning. If people can come a few minutes early just so we can start at 9:00, that'd be great. Thanks very much. Long day and a good day, I think.

## **ADJOURNED FOR THE DAY**

## **DAY 2 JANUARY 19, 2016**

David: Good morning. Welcome to Day 2 of the third Technical Meeting. We'll start the discussion with timelines since NTI has to leave at noon. We will wait a few more minutes for Bert to get here.

*(Pause of a few minutes)*

Anybody know any jokes? Bruce?

Vicky? Bruce is a good joke.

*(Laughter)*

Just putting it on the record – I didn't mean that.

David: Does anyone have any agenda-related concerns today?

Denise: We're hoping to fit in conservation areas and heritage rivers before lunch.

David: I'm sure we can make that happen. Perhaps I can get people on the phone to identify themselves:

Dwayne: Good morning. It's Dwayne James with Department of National Defense.

Liz: Liz Kingston, Nunavut-NWT Chamber of Mines

Deborah: Deborah Boshaw, Fisheries and Oceans

Rosanne: Rosanne D'Orazio, Qikiqtani Inuit Association.

Steven: Steven Lonsdale, QIA.

Tanika: Tanika Simmons, CanNor Project Management Office.

Adam: Adam Downing, Transport Canada.

David: That's great. Thank you. I'll do a quick overview of what transpired yesterday. Is anybody able to get in touch with Bert?

Miguel? He's on his way.

David: So, yesterday we had a full day. We started to talk about walrus haul-outs and deferred instead to direction to regulatory authorities and cumulative impact referrals. We may have reached a consensus on #19 – 1 and 2 Options both acceptable. On the cumulative impact referrals, there was more or less consensus on Option 2. Then we went back to walrus haul-outs and polar bear denning areas. I don't think, aside from a good discussion about the importance of walrus that we reached a consensus there as to how to handle walrus haul-outs in the Land Use Plan. Similarly with polar bear denning areas, I think there was good discussion, but I can't say there was a full consensus.

Then we had the Sabine Peninsula discussion, and then we moved into the existing rights discussion. We had a good discussion there, but again, I don't think there was a consensus on the approach, and there were a few twists and turns in the discussion. On caribou habitat, regrettably, I can say there was absolutely no consensus and no short-term hope of consensus either. There is more discussion to follow I'm sure. And that, I think in a nutshell, are the results of yesterday's discussion. Now, is there anything to add or challenge in that summary?

*(No response)*

As I said before, we're going to move to a discussion of timelines, and I'll turn it over the Planning Commission, Jonathan, to lead us through that discussion. Jonathan?

## **NPC DEADLINES AND TIMELINE**

Jonathan: Thank you, David. This is Jonathan from the Nunavut Planning Commission. I'll just note in the room here up on the screen we have a summary of upcoming timelines, and I also note that these timelines are a combination of those that have already been announced and those that will be included in an upcoming notice of a written prehearing conference that should be out this week that will invite comments including on some of these timelines, amongst other things.

But to start off, a timeline that has already been announced is February 19<sup>th</sup>. That is the date by which participants submit written comments on the Draft Plan or any of these Technical Sessions. So we have already received, of course, many written submissions. We have those in hand. There's no need to repeat those, but if there are additional written comments that would like to be provided, we request those by February 19<sup>th</sup>.

February 22<sup>nd</sup> there's going to be a deadline for a written prehearing conference. So this will give participants the opportunity to provide submissions on any procedural points. And as I said, that notice should be coming out this week.

Following that, March 4<sup>th</sup> we have a deadline for participants to submit any responses to written comments on the Draft Plan. So that's the opportunity to provide feedback on the February 19<sup>th</sup> submission, so any participant can comment on a comment.

April 15<sup>th</sup> is the release of a refined Draft Plan and Options and Recommendations document in English only. That's April 15<sup>th</sup>. We anticipate by May 13<sup>th</sup>, translated versions of the documents will be posted online.

Continuing, on May 16<sup>th</sup>, participants can submit any expert reports to be put before the Commissioners at the public hearing. And then on August 15<sup>th</sup>, participants can submit any expert reports responding to those May 16<sup>th</sup> reports.

Continuing on into August, there is intended to be a prehearing conference in Iqaluit, an in-person prehearing conference, again to discuss procedural points and things of that nature.

September 30<sup>th</sup> would be a final deadline for written submissions on the Refined Draft Plan that was released again in April. So you'll have from April to September 30<sup>th</sup> to prepare written submissions on the Refined Draft Plan, provide any written evidence or other materials to be relied on in the public hearing.

And then finally, November 21<sup>st</sup> to 25<sup>th</sup> would be the final public hearing to be held in Iqaluit. So, I'll stop there I guess.

David: Brian?

Brian: Thank you, Jon. Thank you, David. Brian Aglukark, NPC. I just want to stress for August 29 to 31 – it's an in-person hearing. We won't be providing any call-in type approaches on this session. Thank you.

David: Thanks Brian. So, comments? Vicky.

Vicky: Vicky Johnston, Environment Canada. Just to confirm, when you talk about the Refined Draft Land Use Plan that is the one that will be the subject of the public hearing. Correct?

Jonathan: Yes.

David: Alright, I'll go around the room I guess and see if anybody has any difficulties meeting the suggested timelines. Spencer?

Spencer: Hello, Spencer Dewar, Government of Canada. The first day here on February 19<sup>th</sup> – have written comments on this meeting – seems extremely close. We're wondering if there's a possibility to extend that a little bit so that we can have a more fulsome time to review and make formal comments.

David: Brian or somebody?

Brian: I'll attempt to respond to that question. A couple of points I guess: We hope to have the Draft Plan version ready for the public release in April. The folks that will be drafting doing refinements to both the owner document and the Draft Plan is right here. I have nobody else to do it. We have no one else to do it. We're also now under NUPPAA reviewing for conformity all projects within the Nunavut Settlement Area, including IOL. And the folks that are doing that job are right here. I have absolutely no other resources, no time, between February and April to get that. That's the only timeline I have – we have – in terms of doing all this work.

The November public hearing is also set by the Commissioners, so we can't change that as well. That's beyond our control. And for the release of the April Draft Plan is to allow everybody in the room, including the public, to have adequate time to review the document. Qujannamiik.

David: Just maybe a question, Brian: The March 4<sup>th</sup> deadline, that could include comments related to the Technical Sessions as well, could it not?

Brian: It could in a sense, but again, it's only two weeks for reply to February 19<sup>th</sup> comments. That's a very short time frame. We're having difficulty – we've been having difficulty meeting the timelines. And you know what? As we all know, the regional date for a public hearing was November 2014.

We are now in November 2016, and the Commission has decided at this moment that it will be this coming year. And to allow that for us to happen with the resources we have, the staff we have, this is the only time that will work for us. Qujannamiik.

David: Yeah, so I mean I think it's not unreasonable to ask people to meet those deadlines given that the point is that everything backs up from that November public hearing date, and to allow adequate time for other people to review documents the Commission has built in these dates and gaps.

So, sounds like the February date is firm, and if you miss the February date, well maybe you can include comments in the March documents. But it's not ideal.

Spencer: Okay, Spencer Dewar, Government of Canada. Just, you know, we're in the third Technical Hearing and we're here to listen and discuss. We're hearing positions and points of view from all the parties. If we're to walk away with this and you know, improve our position and hear what other groups are saying, it could take time, right?

So I appreciate the constraints that NPC is under, but you know, we need to take the necessary time to do this right. And if there's new information or new policy options we need to pursue, it's going to take time. And the February 19<sup>th</sup> deadline is not going to allow for us to adequately respond based on what we're hearing today. Thank you.

David: Yeah, it may not but you have until September 30<sup>th</sup> to submit your final report, and that would include any policy discussions. I mean if you look at September 30<sup>th</sup> as the ultimate drop-dead date, then you've got plenty of time I would suggest. I know that everybody's busy and everybody has constraints, but you know, from an outsider's perspective, this has dragged on far too long. From a former federal bureaucrat's perspective, it has dragged on way too long. And for somebody that has been involved in land use planning for far too long, this has dragged on too long.

*(Laughter)*

So I think it's time to come to agreement that all the parties will stick to the timelines as best they can, recognizing that September 30<sup>th</sup> is your final drop-dead date. Work toward the intermediate timelines and the final one and make sure, to the extent possible, the Commission is best informed as it can be by September 30<sup>th</sup>. It's never going to be perfect. It's always – as people have said - it's a first generation Land Use Plan. But the more detail and the better the arguments are, the better informed the decisions will be that the Commission will ultimately make.

Spencer: Spencer Dewar, Government of Canada. Okay, thank you. One more...Is this...Where's the caribou workshop? Is that separate or have we not agreed to undertake that?

David: Brian?

Brian: I prefer to discuss the caribou issue after we get through the discussion and comments on the timelines. Thank you.

David: Okay, well we'll come back to it, and maybe there will be some implications for the timelines, but we'll get back to that. Ken?

Ken: Thanks, Jonathan. A couple of questions about some of the earlier steps: On the February 19<sup>th</sup> submissions, you noted that there were already submissions on the Draft Plan, and you said something like no need to repeat the previous submissions. A question, I guess, with some

concern wrapped up into it is there hasn't been feedback on the majority of the volume of comments that have gone in. What are we to take from the Commission's silence on those issues so far?

Brian: Thank you, David. I'm going to have our legal counsel respond to the question. Thank you.

Alan: Hello, Alan Blair, Legal Counsel for the NPC. Good question, Ken. As we all know, the participants make their submissions, and they are available for everybody to review. The Commission, of course, is obviously reviewing them and has tried in its various production of documents, such as the Considerations document, to summarize some aspects of some of the participant's submissions in an effort to frame the options we're discussing this week.

So the Commission, I suppose – like everyone at the table – is listening to everybody's point of view. The Revised Draft Land Use Plan will be the end product of that. The timeline that Brian and Jon have spoken to was very carefully thought in terms of providing not just an opportunity for comments, but an opportunity for everyone to reply. And the reference to the February 19<sup>th</sup> and March 4<sup>th</sup> reply – I mean it's very important. David hinted that well perhaps you could replay as late as March the 4<sup>th</sup>, but we can all see that would be inherently unfair, because everybody is counting on people's submissions by February 19<sup>th</sup> to comment on those by March the 4<sup>th</sup>. And the reason for that is because the English version is coming out virtually a month later.

So the Commission isn't able to go through every line of every submission and comment on every point. These Technical Discussions are in an effort to sort of further refine the participant's points of view, and for the Commission to hear those. I hope that addresses your question. We don't see a line-by-line response to each participant's point of view on every submission they make. Thank you.

Ken: Thanks, Alan. Ken Landa. I wouldn't expect a line-by-line response either. That's not so much what I'm getting at. What I am getting at is where a submission has suggested or called for change on a specific item. Another participant may or may not know whether a significant change should be anticipated there. We've got a next draft coming.

So every party's got to decide how to use their limited time and resources and the Commission's attention in the next set of submissions. Should those parties be responding to everything raised by every other party on every issue, or should the Commission be flagging those areas where the Plan is likely to change between these two iterations to allow people to focus a little bit.

My suggestion is where the Commission does intend there to be significant change between the current draft and the next draft, they should tell people, "Hey double down your attention on this area, because that one still is in flux."

David: I'll give the Planning Commission a little time to digest that question, but as I said at the outset of the meeting yesterday, the issues that are in this document are the ones that the Planning Commission felt it needed more guidance on. So if you're looking for outstanding issues, they're here. I can't comment on the content of the evolving redline version, but I'll turn that over to Brian and others to respond to if they'd like.

***(Audio switched to Inuktitut – no English recording. The italicized is an approximation)***

Alan: *Alan Blair, Legal Counsel, NPC. Thanks, David. That is the point that Brian and I were just discussing, that this document helps to guide people toward some of the areas that all of you have flagged as important to discuss. Within these points, you'll find the areas where there may be a consensus or a lack of consensus. That may be how we take it to the final public hearing. It will be the Commissioners that hear all the evidence and deal with the latest version. We can't do more than have these discussions. If we're talking about an issue, it may be further refined in the spring Draft.*

Ken: *That is helpful, but it may lead to repetition of those things. I understand there are trade-offs. The other question I have is about the prehearing conference that Jonathan said would deal with procedural point. I was wondering if we could get so more information about that. What is the purpose and what kind of feedback is the Commission looking for on that?*

Alan: *Thanks, Ken. We talked about substantive issues forming the basis for the Plan. There was no time spent on how we'll get from now to the end of November. Process steps are partly flagged here, but not the process in the public hearing – what is it each of you thinks is important in terms of that process? We've all attending public hearings. We haven't asked any of you what you think what should be procedures from here to November. We are trying to be as inclusive as possible. What do you think we should do? We flagged expert reports. Many may have provided expert opinions and reports through the submissions. They will be coming after the Revised Draft as well. If there is anything else not given us as a product of these Technical Hearings that you'd like the Commission to read or submit, those expert reports will follow after the Revised Plan but well in advance of November. As Jon said before Christmas, we're providing time for comments on comments. The point of that is that every participant express what is important to them and there is comment upon that.*

Ken: *On February 22 the Commission is looking for written feedback on procedural issues. The Commission rules for procedures are available. Is it more of a blank slate approach? Or is there a plan to respond?*

Alan: *It's not envisioned as a time to comment on substantive issues but pure procedural issues. Jumping to the prehearing, we're talking about process. The short answer is it's a blank slate. Tell us how you think the hearing should be run. How much time should be given to the public and community participation? We're looking for guidance and input on how that hearing should run. We are wide open to suggestions and we welcome templates of other public hearings for reference. So we're looking for any advice you have of how your interests and those of others can be had at the public hearing. We hope we get a general sense of what participants are expecting at the public hearing. We think it can be done in writing – it saves costs and it's really a desk exercise. August provides a time for face-to-face discussion. By August, we'll be at the table for last minute discussions for the November public hearing.*

Ken: That is a very helpful answer. Thanks.

David: Thanks, Ken. Bert?

Bert: Thank you, David. It's Bert Dean with NTI. I was hoping to get a bit further details this morning, as the timeline - and especially the February 19<sup>th</sup> date – it's a concern for NTI as well. We won't be

ready for February 19<sup>th</sup>. There is a letter being drafted with some suggested dates or timelines that would help us to meet the expectations of the Planning Commission. I was hoping to have that this morning or something in more detail. I'd received an email yesterday indicating that it had been discussed at the Board level, and there would be some feedback for this week. I was hoping to be able to provide that before my flight at lunchtime.

Unfortunately, the only comment I can really give at the moment is we share the concerns about the February 19<sup>th</sup> deadline. We appreciate the document that was sent, but even being prepared for this meeting this week has been a challenge for us as well. We have dedicated a lot of time and resources into this process, and we'll continue to do so, but we are hoping for some flexibility from the Commission. Thank you.

David: Thanks, Bert. I know that you're in a bit of a bind without the letter, but have you got any suggestions? Like how much more time, ballpark, would you like?

Bert: I'd have to follow-up and see on the exact dates. I'm a bit hesitant to comment until I have that letter in my hands. But there will need to be a fair bit of time I think. But the other comment that came up was the idea about the caribou workshop. I know our Regional Inuit Associations are doing some further community consultations. There are other things we'll get into later this week, and unfortunately I won't be here for them. But there is ongoing work, not just at the NTI and RIA level, but I know from talking to the RWOs, they've been doing work. They'll speak for themselves on their schedules. Yeah, I'm not sure, David. Sorry.

David: Well we'll get to it as soon as you get the letter I guess. Just to reiterate, there are deadlines, timelines, and then there are opportunities that kind of bleed into the next timeline. It ain't going to be perfect. It never is. But if you back up from the November public hearing date, which is essentially carved in stone now, there is limited opportunity to move specific timelines – or specific deadlines. But there are opportunities, far from perfect, to ensure that your overall comments are to the Planning Commission by September 30<sup>th</sup>. That's the deadline really. Ultimately that's the deadline. Sophia, any comments? Bruce? Vicky?

Warren: Warren Bernauer for the Kivalliq Wildlife Board. We think we can adhere to this schedule as it stands right now depending on if and when a caribou workshop is scheduled. It may pose some problems for us, but we can discuss that when there's a proposal for the workshop. But as it stands, this should be very doable for our organization. Thank you.

David: Alright, thanks Warren. Jackie, anything?

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. Just a quick question for clarification: In talking about expert reports, would it be safe to assume that if communities wanted to bring forward IQ-related information that it would fall under that title and deadline? Thank you.

David: I'm assuming so. Brian?

Brian: Thank you, David. Brian Aglukark, NPC. If it is a written report and people can comment on that, yes.

David: Ema?

Ema: Thank you. Ema, KRWB. Yeah, I think that February 19<sup>th</sup> would be close. We're doing some work in the west Kitikmeot on some caribou discussions. I don't have anything from the Board yet, but I'm sure it'll be put forward when they've done some discussions. Thank you.

David: Thank you. Stephane?

Stephane: Stephane Robert for the Chamber of Mines. I think, like the others, about the caribou workshop and where it fits in this timeline and when will be able to submit anything that will go after this workshop. Thanks.

David: But otherwise, the timelines are okay? Doable?

Stephane: I will let Liz finalize this.

**( Audio switched to Inuktitut – no English recording. The following italicized are approximations):**

David: *Okay. Denise?*

Denise: *Denise Baikie, Government of Nunavut. I understand the constraints, but we echo the concerns for the February 19<sup>th</sup> deadline. We won't have formal recommendations by that time since the Cabinet Meeting won't have happened. We may have to submit at a further time on the timeline. The caribou workshop will also factor in this. For the prehearing conference, we think it would be more efficient not to have a blank slate.*

David: *The procedures are on the website – it's not entirely a blank slate, but it's something to start with. Leslie any problems with the timeline?*

Leslie: *Leslie Wakelyn, BQ Caribou Management Board. It just depends on the timing of the caribou workshop. Otherwise no.*

David: *We'll get to that. I don't know what NPC has in mind, but the caribou workshop seems to be more information sharing once again than decision-making. I've seen how difficult it is for people to come to consensus on caribou stewardship. Luis?*

Luis: *We need to go by an extension for this calendar. There's no choice.*

David: *Now we'll go to the telephone. Liz?*

Liz: *Thank you. Liz Kingston. I have two comments. I have a concern on the proposed date of the final public hearing. That is generally the week of the Geoscience Forum in Yellowknife, which is a major event for industry. It's a Chamber of Mines event so it's a potential conflict for us. I would request the Planning Commission take that date into consideration, because it would be somewhat difficult for us to maneuver those dates.*

*Also to continue with Stephane's comment and those of others, we do feel that a more technical caribou workshop needs to take place. It is our position that a public hearing not take place until such time as these issues and management options have been properly discussed amongst the*

resource managers and that an appropriate strategy, which allows for open and transparent participation, is put forward. That is our position. This has been our position since last summer. We don't want to see this minimized. We think it's very, very important to help guide the Planning Commission for sound judgment. Thank you.

David: Thank you, Liz. Anybody else on the phone who has a comment or concerns about the timeline?

Rosanne: Hi, this is Rosanne from the QIA. I just wanted to add as well that it would be tight for us to meet the February 19<sup>th</sup> deadline. And one of the reasons is that we did submit our letter to Planning Commission our intention to go into the communities and further consult with the communities about how the designations in the Land Use Plan affect Inuit Owned Lands, because we need clarification. There are instances as to whether it meets the values and intentions of the Inuit on those parcels.

So, the Planning Commission responded that it was their intention to have the communities to speak on behalf of this at the final hearing, but we would want to include this information in the Refined Land Use Plan. So if we're only able to get into the communities in February, we're looking to hopefully have it done by March. I think we might not be able to incorporate the feedback that we get in clarification that we get from the communities to the Planning Commission by your date for the Refined Land Use Plan.

So for us, we're a little tight, and I just don't think we'll have time to get to the communities with all the complications that we indicated in our letter to the Planning Commission and then to provide that feedback back to the Commission. As well as I do agree that a caribou workshop should happen, and that feedback should be included into the Refined Plan. It would be hard for us to meet those deadlines. Thank you.

And maybe just one other thing: I'm not sure if feedback from our communities would be considered an expert report, and if that's something that can be submitted in May as well. I'm not entirely clear, I guess, as to what the Commission would see as expert reports for that May 15 deadline.

David: Thanks Rosanne. Brian?

Brian: For her timelines of going to the communities, that timeline will not work for the NPC, considering the amount of work we have to do between now and November. With regard to the expert report from communities – it's a gray area. Our initial thought is no.

David: But there's nothing to prevent the results of those community sessions being incorporated in the final. So whether or not it's in the redline version, it would be considered by the Commission at the hearing.

Brian: If the submission is before September 30<sup>th</sup>.

David: I just want to underscore that there are intermediate timelines. Ideally people can meet them. I understand some organizations will have more difficulty than others, but bear in mind that September 30<sup>th</sup> is some distance off, and that's the final opportunity to provide written

*submissions. Then there is the hearing, which is another opportunity. Any other comments on the phone?*

*(No response)*

*Okay, so I'll turn it back to NPC to talk about the caribou workshop. Brian.*

## **FUTURE CARIBOU WORKSHOP DISCUSSION**

*Brian: Thank you. Brian, NPC. After hearing comments about the caribou workshop, we had a meeting last night between the four of us. We're going to provide three options to the floor. The first is we're of the understanding right now where we are in the agenda this week that we're ahead and that we may have a full day Friday, a full day Saturday to do the caribou workshop – to discuss nothing but caribou for the next two days, Friday and Saturday. That's one option.*

*In saying that, it would be more of an in-person type workshop, so if there are folks on the phone that want to participate in that caribou discussion Friday, Saturday, there's a flight coming across from Yellowknife on Thursday. There are flights daily from the south, and also a flight coming in from Iqaluit on Thursday. So that gives them an opportunity to be here by Friday-Saturday for that in-person caribou discussion. That's one option.*

The second option we're providing to the floor is a caribou workshop the week of February 8<sup>th</sup> here in Rankin Inlet. And further to that workshop February 8<sup>th</sup>, we would like the folks that are interested in that caribou workshop to provide discussion items - point the particulars of what they want to talk about – by tomorrow morning. From that morning, tomorrow morning, we can discuss a possible drafting of the agenda for that week in February 8<sup>th</sup>. You tell us what you want to talk about during the caribou workshop is pretty much what we're saying. You tell us what needs to be resolved. You tell us what discussion points or items are for the workshop. That's for February 8<sup>th</sup>.

The third option is February 19<sup>th</sup>. That's the deadline for written submissions, or September 30<sup>th</sup>. So those are our options. Thank you.

Ken: Sorry, could we ask for a repeat of the third option please?

Brian: The third option would be submissions in terms of your comments on caribou by February 19<sup>th</sup> in writing not in person.

Ken: Sorry, it's Ken Landa for Justice. So what's the connection between that and a workshop on caribou?

Brian: That generally is not really a caribou workshop, but it provides an opportunity for everybody around the floor to provide their comments in writing related to caribou issues or caribou concerns.

David: Okay. I've got to say my knee-jerk reaction is none of them work very well. Is there any possibility of holding a caribou workshop, not necessarily for incorporation in the Draft Land Use Plan obviously, but to enable people to come closer together and perhaps develop a consensus that can be presented, captured by the September 30<sup>th</sup> deadline and discussed at the hearing? Because I've got to say, based on my reading of the crowd yesterday, none of those options are going to work very well.

Brian: Further to the idea of having it at the end of this week, we have everybody here. We have the caribou biologist here. Mr. Campbell's here. Canada's here. NTI has a rep here. The Chamber of Mines is represented, so I don't see why not we can do it at the end of this week. Everybody's had an opportunity to review submissions, comments over the last three to four months. That's just a thought. Thank you very much.

David: Alright, we'll go around the table. Well, actually given that this will probably require a little discussion offline, why don't I suggest that we take a 20 minute break now? Those folks can get together and respond to the suggestions.

#### BREAK

**(\*\* Audio switched to Inuktitut – no English recording. The following italicized are approximations):**

David: *I'm going to summarize a little bit about what I heard and thought during the break. And the first thing I guess I'd emphasize is that if there is going to be a workshop, it had better be productive. I don't think anybody wants to sit and hear more and more discussion about caribou. I think it's time that if there's going to be a workshop that the emphasis be on consensus building and not just listening and walking away and just thinking about it. So it would be a decision-making workshop.*

*Second is there's a wide variety of views about when the workshop could be held. Some folks are okay with early February. Others are not. I'd say the February date is probably the minority. We'll go around the table and discuss that.*

*The caribou workshop on Friday-Saturday, I don't think will be effective, although we could certainly spend part of one day – if not all – planning the workshop and laying out the agenda for it. And the week of the deadline of February 19<sup>th</sup> for written submissions – I'm not sure how that would move anything forward.*

*So, there are some emerging options. There's been a suggestion for April, May that might be workable. There's a challenge there in that the redline version would have been just recently released, and I suspect people would be distracted by that. Maybe it's possible that planning for the workshop can proceed. The redline version will not be devoid of caribou measures. The Planning Commission will have something in the Plan based on what they have seen and heard, and that can be a good catalyst for the discussion in April-May.*

*The final option that we discussed would be at the end of August to coincide with the prehearing conference. That way there would be sufficient time for the parties to provide comments by September 30. So I'm going to open it up for comments. I'll start with the Planning Commission if there's anything they want to add from a Commission standpoint to put on the table. Brian?*

*Brian: Brian, NPC. That is correct. We are suggesting the week of August 29<sup>th</sup> to coincide with the prehearing conference. We are suggesting a two-day prehearing and three to four days on caribou. I want to stress that following this caribou workshop, the redline version of the Plan will not be amended, just for clarity. We won't be thinking to amend the Plan based on the workshop.*

*David: Alright, thanks Brian. Spencer.*

*Spencer: Spencer Dewar, Government of Canada. So, one of the purposes of this third Technical Meeting is to determine the necessary information that is available to proceed to a public hearing. So reviewing it from an information perspective, we see that there are gaps. We see the caribou workshop as key. This is integrated with many of the other topics of the Plan – existing rights, transportation corridors. Therefore, we see it as essential before we can proceed to developing a redline version, unless there's an option to have more than one redline version. Therefore, in effort to accommodate, we see the best available option or window for a caribou workshop would be April.*

*David: So how does that address the concern that the redline version reflect the caribou workshop?*

*Spencer: Spencer Dewar, Government of Canada. The intention would be that the information ascertained at the workshop would inform the redline version.*

*David: Brian?*

*Brian: I don't think that would be doable based on our thought process. We are quite comfortable to move ahead. If there's no workshop between now and the deadline of February 19 or before we make the Draft Plan Redline Version public, we're okay with what we have.*

*David: Yeah, I guess based on my experience on this, I'd suggest that everybody has information to make a call for policy and procedural concerns. But from a technical standpoint, the Commission has heard everything but consensus on this. I don't know that it's doable from the standpoint of the Commission to include in redline version so close to the release date and to keep to its other schedule, which is pretty much set. I would suggest again that the redline version would include discussion about caribou and a proposal in the redline version of how to address caribou issue. This could form a good starting point that could catalyze for debate after. Ken?*

*Ken: Ken Landa, Justice Canada. I'd like to draw a distinction between information being available and information being on the record. So going to the NPC notice for these meetings, the discussion is whether documents filed with the Commission contain the information necessary to proceed to a hearing. So the distinction I'm drawing here is I think yesterday may have been first time where there was any kind of discussion as to whether mobile protect measures are or aren't effective for caribou calving grounds. So while I understand - while Canada understands – where the Commission is coming from in moving forward, there is another perspective that needs to be brought, which is not start from the date and move backwards but start with the job that needs to*

*be done. The job needs to be done will determine what protections are effective and to start with those things and go back to the Land Use Plan. It won't be redlined again before the hearing.*

*David: Okay, I'd point to numerous discussions in these Technical Sessions and the upcoming NWMB report from their caribou workshop, which did discuss in some detail the mobile protection measures option. Once again, there are differences of opinion. There's no certainty about any of this. You can debate from A to Z the pros and cons, but someone at some point has to make a call. I get really frustrated that we continue to defer a public hearing while we seek a certainty that is unachievable in this case. This process has been dragging on for 20 years.*

*Ken: Real quickly here. Ken Landa from Justice Canada. I'm not suggesting certainty can even be found. What I'm suggesting is that conflicting information needs to be on record before this proceeding.*

*David Well it's certainly on the record with even yesterday's discussion. Bert?*

*Bert: Thank you, David. Bert Dean with NTI. In hearing from some of the other parties as well, we are hopeful that a caribou workshop can happen with enough lead-time so it can fit into the rest of your process. So that's why when the April-May timeline was suggested, we were receptive to considering those dates. Having said that, I know NIRB also has two public hearings, and I'm sure Sophia will talk a bit more about that.*

Yeah, we know it does connect – the caribou issue connects with so many other components in the Land Use Plan. And I realize we haven't been able to get into a lot of details from NTI in terms of the work being done, but I hope there's not a feeling that it's just, you know, lines are drawn with people going back and forth louder and louder with no narrowing of the differences.

There has been a lot of talk, and we are encouraged by that. We just need the time to do that, whether it's at the regional or community level, to make sure that communities and regions and the different organizations involved within. As NTI, the parent organization with the RIAs, the Regional Wildlife Organizations, as well as the communities, our elected leadership wants to make sure that we've done all the work we can so that when we go to a public hearing, we're not wasting a lot of time with people arguing about stuff that perhaps could have been resolved if we had done the work, and we are doing the work. So that's what we're asking for is that time to continue having those discussions with the different parties involved and seeing where we can narrow that gap. So having some flexibility with your schedule would help with that.

I mean some suggested dates have been out there. The concern – the August date may work as well – but only if there is a second redline version or there is some flexibility with the rest of the schedule. And then that starts to put the November date of a public hearing at risk. If it's very firm for a November date for the public hearing, it gets all complicated in a hurry. The very short timeframes don't work for us, but April-May may work for parties. And if there's some flexibility with the rest of the schedule, perhaps the August date. Thank you.

*David: Yeah, Bert, can you - and maybe Ken too – can you clarify for me why you think it's important that the redline version include the results of a caribou workshop, given the number of workshops and discussions that have already been held – that this proposed one would somehow be more successful and more essential to incorporate into the redline version?*

I'm not quite sure I get that because I've been at many public hearings, and that's the place where the debate gets sorted out. People present their positions and make their arguments in front of the tribunal – whether it be a land use planning board, a land and water board or a review board – and it's great if differences have been narrowed. But inevitably, there is discussion at that hearing. That's what a hearing is for.

So I don't see personally any particular harm in continuing the discussion past the redline version, and then the parties present at the public hearing and in their September 30<sup>th</sup> submission what they've come up with based on all the continuing discussion. Frankly I don't buy it that it needs to be incorporated into the redline version. Brian?

Ken: Ken Landa from Justice Canada. I think maybe one of the most successful elements of this meeting that we're having this week was the ability to find consensus around issues by iterating the Commission's approach and getting a sense of what options they were considering, and then being able to think about what are the knock-on effects of this change or that change in a written manner?

So for example, by being able to go through how the Commission was prepared to look at cumulative impacts referrals and Special Management Areas, it was able to facilitate the narrowing of issues around polar bear and walrus haul-outs. I think the same is true about caribou and mobile protection measures. It's going to tell us – tell every party – a lot about what their needs are around existing rights and what their needs are around terrestrial transportation issues.

So the problem with not iterating and not having a redline is it leaves every one of those issues up in the air up until and through the final hearing, because you don't know that there is a consensus forming around an approach. So I'm not suggesting that it's impossible to leave every issue up in the air. It certainly is, but it makes the stakes of that final hearing extremely high, and it raises the probability – in Canada's view, I think, to an unacceptable level – that that final hearing doesn't close the issues.

David: Okay, Brian?

Brian: Thank you. This is a response or comment to Bert and maybe a bit to Mr. Landa as well. Again, differences that need to be resolved and consensus that needs to be achieved is between the parties. At this point, I don't see harm in maybe NTI and Canada reaching out to the Government of Nunavut or the Caribou Management Board in the meantime. I don't see why that's not happening.

Can what Ken Landa is suggesting make that easier? I think not. We've tried this now three times – Tech 1, Tech 2, Tech 3 – and they're still saying caribou is important but not today. We want to talk about caribou but not today. We've brought the group here three times into one venue, and we're still getting that same result. So the caribou workshop, whether that happens in April, May or August, will it resolve that issue? I don't know. I highly doubt it. But I think at this point, it would be in the interest of everybody to connect themselves to try and resolve this issue. We're going to move forward in drafting our Plan with a deadline that we provided today. Qujannamiik.

David: Okay, thanks Brian. Bert?

Bert: Thank you, David. It's Bert Dean with NTI. Just to add in terms of the redline version: My concern with the caribou workshop - especially because we want it to be as inclusive as possible, and there will be a lot of different perspectives there – that if there is a redline version that sort of sets one party or another off, they may feel that it's already a done deal so what's the point of having a caribou workshop. You know what I mean?

Like there's that balance that we're trying to find where we've got to make that progress to the public hearing, and we've got to document and take in that information that has been presented to date. But we've got to leave enough room for all those different interests to feel that the caribou workshop is going to be of value – that it's not just a token workshop, and “We've got a deadline to meet. Here's the second or third draft or whatever and let us know and we'll consider which parts to put in.”

I don't know if I'm overanalyzing it, but I want to make sure that if we're going to do a caribou workshop – and I think this comment has been made by others – it's got to be well planned, well thought-out, and productive so we can narrow the gaps. And we have an opportunity. We have an opportunity to create a Land Use Plan that takes into account all those concerns from everybody. Thank you.

David: Thanks, Bert. Just a sec, Brian. I have a response to Bert about the done deal. I wish it were so. Nobody's going to consider this redline version a done deal, none of it. There will be continuing debate about all of it I'm sure, including caribou but not limited to caribou. That's what the hearing is about, right? You put out a draft and have a discussion. Then the Commission and takes it from there. Brian.

Brian: Thank you, David. Brian, NPC. The Commission will be releasing a Draft Plan in April. If there is a workshop in August for caribou, April to August will give everybody an opportunity to absorb what that redline version is. And I guarantee you David, if there is a workshop for caribou, it won't be a token workshop. If there is anything new that will add to the Plan out of the caribou workshop, it should be considered or put forward during the public hearing. Thank you.

David: Okay, thanks Brian. Vicky? Bruce? Sorry, Sophia. How could I have overlooked Sophia?

Sophia: Hi, Sophia with the Nunavut Impact Review Board. I don't necessarily have any comments on the caribou workshop schedule that's being discussed or presented. But as Bert noted, the NIRB do have upcoming hearings that may be considered when looking at these schedules or timelines. We do have a hearing at the beginning of March, and then we have two in April that maybe should be considered.

The ones in April are April 12<sup>th</sup> to 14<sup>th</sup>. The second one in April is April 25<sup>th</sup> to 30<sup>th</sup>. Again, this might limit some of the party's participation, because we would also require comments and written submissions prior to all these public hearings, and it's a lot of work for everyone. Most of the parties sitting around this table are involved with the NIRB as well. I can see GN nodding their heads, so again, it's something to consider. Again, also looking at the schedule, in April also there is the Nunavut Mining Symposium, which is prior to the first public hearing in April. So, a lot is going on, so I just wanted to add that to the table. Thank you.

David: Yeah, no doubt there will be some caribou discussion at those hearings too. Peter.

Peter: Could I ask Sophia to repeat those dates please?

Sophia: The first set of dates in April is April 12<sup>th</sup> to 14<sup>th</sup>, and that's for the Doris North Public Hearing. The second set of dates is April 25<sup>th</sup> to 30<sup>th</sup>, and that's for the Sabine Back River. The first week in March is for the Meadowbank vault pit expansion public hearing.

David: Sophia?

Sophia: Sorry, and maybe to add too, there may potentially be – just looking at the future. We don't have it scheduled yet. Baffinland's proposal as well that they are potentially submitting in May would potentially look at a hearing in July or August. Again, that's in the air, but just something to consider again. There may be another public hearing at that time as well. Thank you.

David: Thank you. Bruce? Vicky? Anything? Warren?

Warren: Thank you very much. Warren Bernauer for the Kivalliq Wildlife Board. First I have a question. If the workshop was held in August after the redline Draft Plan was produced, would the Planning Commission still produce some sort of a report from this workshop that kind of outlines what was said and any other decisions that were made from it? Like at least some sort of a document that came out of it? It obviously wouldn't be ideal for all the partners, but it would maybe be better than nothing, so at least the community representatives can discuss a little bit more meaningfully what was said about caribou at this workshop prior to the hearing.

David: I think it's fair to assume that there would be a workshop report, but Brian? It may not be authored by the Planning Commission itself though. Facilitators or whatever would draft the report. I suspect that's part of the discussion. You need to be careful about whose workshop it is and that sort of thing. Alan?

Alan: Thank you, David. Alan Blair, Legal Counsel for the NPC. We discussed that briefly during the 20-minute break when we were all caucusing on the issue of how to schedule it. Our present thought is that the answer is no. It would be an in-person discussion. There would be minutes of the meeting that everybody would have. It would inform the process going further, including informing the Commissioners.

But at this point, the Commission is not volunteering to summarize the consensus or lack of consensus, because inherent in that is a judgment, which is pretty late in the day in a process leading up to the public hearing. It would be an opportunity to build – as I think Bert said – resolve differences and build consensus. So what might come of it \ are parties who might have appeared before the workshop to be at odds, might themselves be able to say the workshop was productive. On these five points, we are in agreement. So there may be a series of bilateral, multilateral documents that come from it, but at this point, we don't see that the Commission would summarize the successes and failures. That might change as we reflect on it. Thank you.

David: But there would be minutes from the meeting.

Alan: Indeed, that's what we said. There would be minutes of it so people would know what was said beyond those who were immediately in the room. Thank you, David.

David: Thanks, Alan. Warren?

Warren: Thank you very much. Warren Bernauer for the Kivalliq Wildlife Board. Okay, thank you very much for that update. I'll just throw out some dates where myself and other KWB people I can say will definitely not be available. Hopefully that can help with the scheduling.

The week of February the 8<sup>th</sup> would not work for us. We have prior commitments. If we're looking at March or April, the last week of March and the first week of April I have other professional commitments. Otherwise, things look fairly open. I would suggest not holding a meeting too late into May or into June just for the difficulty of being able to bring hunters and Elders that have expert with Inuit Qaujimajatuqangit. That's a very busy time out on the land. We do our best to bring expertise, but we'd be running the risk, I think, that very central component of the discussion would be left out. Otherwise, I guess that's all the comment I have at this time.

David: Thanks, Warren. Jackie?

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. Initially when looking over the timelines, what stuck out most for me was the month between the English version and the Inuktitut version. For the Qikiqtaaluk Wildlife Board, they will not consider anything unless it is provided in translation. So, for me, that was my inspiration behind envisioning an April or May meeting and hearing the dates coming up for NIRB and the Mining Symposium, I think suggesting an early May would work for QWB.

My initial thought too, was a May meeting would provide the parties sometime to get a report in for the expert report deadline that happens in August as well. So that was my rationale for April, or more specifically, an early May meeting. Thank you.

Oh, and I'm done with the QWB comments, but my colleague from the Kitikmeot had to leave, and he left me a couple of points to say on his behalf. Thanks.

David: Well, feel free.

Jackie: Hi. Jackie speaking on behalf of Ema for KRWB.

*(Laughter)*

He just wanted to state that KRWB is unable to discuss caribou this week. He actually has to travel to Yellowknife tomorrow for other caribou discussions, so he was just affirming that this week or early February wouldn't work for him. He'd also like to state that there are no funds in the budget for KRWB for an impromptu workshop, so some early warning would help give them time to arrange for funding support. Thank you.

David: Thank you, Jackie, speaking on behalf of Ema. Stephane?

Stephane: Stephane Robert from the Chamber of Mines. First, I want to emphasize what Bert said, because from the experience that I got personally with AM on hearings and final hearings, the way is that we try to arrive at the hearing having resolved, let's say 95% of all the issues.

In the hearing, we don't go usually to debate on a fundamental point. That is really the technical hearing that is the way to try to resolve everything. So that is the experience I got. I did four in eight years in Nunavut, and that is the way that it is going usually.

So to do a workshop and not having after that included in the redline that will be presented in the final hearing, for me it is – I will not say not acceptable – but I don't see why we do this workshop if it will not be included in the redline version. Because it is a fundamental point, and if we arrive in the final hearing with this that precludes transportation corridor, that precludes existing rights and other things, I don't see how effective we'll have a final public hearing with a Draft Land Use Plan that is not final, or at 95% final. I don't know how it will be effective. Thank you.

David: Thanks, Stephane. Brian.

Brian: I'm hearing around the table that caribou is an important issue. If it is that important, why not make everything work for February 8? I don't understand. If everybody's ready and everybody's got their ducks in order, what's so difficult about an early workshop, mid-February or early February? Thank you.

David: Well I think you're hearing that some people aren't ready and won't be ready.

Brian: When are they going to be ready?

David: Well maybe end of August, maybe early May is sort of the feeling I'm getting at this point. Stephane?

Stephane: Brian, it's a very good comment. The thing is, to have a really good Technical Session, what we want to have is not to have an information session. We have to have a technical workshop that can arrive to a consensus. And to that, we need to be all well prepared and arrive with an open mind. I think to do that on February 8, it's tight for certain organizations to arrive well prepared and arrive so we can have a consensus. Because if it's an information session, don't do it.

We want to go there as Industry to have an open discussion to see and try to arrive at a consensus. I think it's doable, but we need – all the parties have to be well prepared. We had an agenda – a draft agenda – that we prepared as the Chamber of Mines, and that was accepted at the time. We talk about last summer, but this meeting was never held. So I will stop there. Thanks.

David: Thanks, Stephane. Denise?

Denise: Denise Baikie for the GN. We echo what was said around the table that the purpose of this meeting is to see if there's enough information to proceed. For the caribou workshop, the end of this week and the week of February 8<sup>th</sup> do not work for the GN. April or August is better for us. It's not as important to the GN if the workshop is reflected in the redline document, but it is a

concern and important to other people. So what about the possibility of a workshop in April, postponing the redline version to May?

About the workshop itself, the GN feels there should be clear objectives and a set agenda before you move into it. I know, as we heard around the table, that April there are other events happening – NIRB events, and there may be a possibility of having it in sync with the Mining Symposium. It's important to have all participants available representing science, IQ, communities, Industry, to have a fulsome discussion.

We also think it's important to have the Nunavut Wildlife Management Board workshop report available. It would be helpful for the NPC workshop, caribou workshop.

There's also the issue of funding. It's important for everyone to be at the workshop, and I know funding is tight for a lot of groups. Preliminary planning for this workshop could happen this week, and we also feel it's important to have everyone involved in planning the meeting – the agenda, the outcomes, the objectives, and such.

And finally, just a point of clarification: This may be an obvious question, but can we assume that the Plan would be refined again after the public hearing? Obviously the April version would be a Refined Draft Nunavut Land Use Plan. Thanks.

David: I think the answer is yes, but I'll turn it to the experts.

Brian: I would think so, but that's not our call. It's the Commissioners' decision, not staff. Thank you.

David: Normally there would be some changes. It would be exceptional, in my experience, to have a land use plan subject to a public hearing come through that hearing unscathed and unchanged. Brandon.

Brandon: Just a quick comment – Brandon, WWF. We're flexible. We like to be value-added. I refer to the parties for scheduling, but we'd like to discuss with the RWOs about financial support for community members when it comes time for a caribou workshop. That's all. Thanks.

David: The check is in the mail...almost. Barney, did you want to add anything? You weren't here when we were going through the roundtable.

Barney: Thank you, David. Anytime after February 8 is flexible for us too. Thank you.

David: Thanks. Leslie.

Leslie: Sure. Our Board would have no additional funding to attend a workshop this fiscal year before the end of March, and we'd do everything we could to participate fully in a workshop if it was in April or August. I would also echo the view that we would have to – we collectively here – would have to figure out a way to get funding to ensure the right parties are present at the workshop. We don't want it to be missing key people or what's the point? I also think it should be very effective, and we don't want to just have another session where we share information but don't make decisions. Thanks.

David: Thanks, Leslie, and perhaps you can speak to your neighbor about funding. Luis.

Luis: Luis Manzo, Director of Lands, Kivalliq Inuit Association. I would agree with the Government of Canada and NTI. But KIA independently, we have a lot of commitments and hearings. We don't want to put this on the line. I will delegate somebody if need be to participate just to make it flexible to NPC and to the rest of the table. If I don't make it, it's because I have other commitments with Nunavut Water Board or NIRB. I will delegate somebody, an expert, to be at that table, and I will notify NPC for it.

I have a comment here and probably GN can take that to the staff probably for Transport – Department of Economic Development and Transportation. We have a lot of commitments during other tables and negotiations with GN with respect to access corridors, with other provinces. We have the evidence of those in the MOU, Ministers and Prime Ministers in regard to it, and I don't see...There was a lot of talk about caribou. But I would like to position with GN what is written - what's the position in terms of the infrastructure they have placed since 2000, and the rest was done after that from 2006 to 2008, and it has not been put forward because we do have other commitments, and they will know that. I will not want to breach those commitments, either with the federal government, with the Dene or with the GN. So we have to be very careful in terms of how we will protect the caribou in relationship to the other commitments around the table for transportation corridors. Thank you.

David: Thanks, Luis, and I'll leave it to you guys to follow-up on that request from Luis. On the phone – perhaps we can start with Liz?

Liz: I don't think I have anything to add at this point. Thank you.

David: Thanks, Liz. Anybody else on the phone with comments?

Luigi: Yes, this is Luigi Torretti, Kitikmeot Inuit Association. Extending the timelines for the caribou workshop...the KIA is going to be involved in the NIRB hearings, so we will be fairly taxed with our time, so later than April would be better. We were considering the February date. We would have to pull a lot of strings in order to do that, but I will agree with my NTI and other RIAs that February is pretty tight and probably not quite reasonable. Beyond that would be better.

David: Thanks, Luigi. Any other comments on the phone?

*(No response)*

Alright, well I'm going to sum up and then it's to the Planning Commission to make the call I think, based on all the advice and suggestion that it has received in this discussion. Then we can move on with the conservation discussion that the GN would like to have.

Okay, sounds to me – and this is just me – that February is not workable for the majority of folks, and certainly not ideal in terms of planning and getting the right discussion going. It seems unlikely that the Planning Commission would delay drafting the redline version until after the caribou hearing - caribou workshop- that might be held in April or May. Those two months have their challenges as well. So August, in my view, from what I've heard, seems the most reasonable and notwithstanding the concerns that have been raised by the Government of Canada and others

about ideally it would be nice to have the results of that workshop incorporated in a redline version. It just doesn't seem to line up in their timeline.

There are perhaps less ideal ways to handle that, but it still seems workable to me to have a workshop following the release of the redline version and prior to September 30<sup>th</sup> at some point. So I'll leave it at that. I'll leave it to the Planning Commission staff to speak to the Commission, and I hope we'll hear relatively quickly what the decision is. I guess I would also reserve some time toward the end of this week to talk about reviewing the agenda that was drafted back in August and seeing if we can't make that the agenda for the workshop whenever it happens, if it happens. Is that good enough for now? Brian.

Brian: Thank you, David. Brian, NPC. I think when we return from lunch, we will have a decision made in terms of timing for the workshop. And I do agree, we would like to have either part of the day, half-day, or full day at the end of the week to discuss potential discussion items for that workshop. Thank you.

David: Great. That's good news. We'll resume this part of the discussion after lunch, but in the meantime, are you guys ready for the Conservation Areas discussion? You all set? Jon?

Jon: Sorry, just to clarify: We were scheduled to begin #5, Migratory Bird Sanctuaries, but we're adjusting because of the GN request?

David: Yeah, the GN has indicated that their person won't be available after lunch, so I'm suggesting that we start that Conservation Area, Heritage River discussion now and then we'll get back to the migratory birds and that sort of thing.

Denise: If that's okay with everyone around the table.

David: It's okay with the Planning Commission? Okay. Alright, we'll do that then, and I'll turn it over to Jonathan. Thanks.

## **CONSERVATION AREAS**

Jonathan: Thanks, David. So as discussed, we're now on page 11, item #7, Conservation Areas. The issue at hand is should conservation areas be designated as Protected Areas in the Nunavut Land Use Plan.

To summarize the 2014 Draft Plan approach – and this applies to National Wildlife Areas, migratory bird sanctuaries, the Thelon Wildlife Sanctuary and Historic Sites. There's one example included in the Considerations document, but in general, the Protected Areas designation prohibits a variety of uses, including mineral exploration and production, oil and gas exploration and production, quarries, hydro-development, all-weather roads and related research. And in the case of this particular National Wildlife Area, there is also direction to regulatory authorities to incorporate setbacks for migratory birds, which we'll be discussing separately.

There were some additional considerations that came in – NTI and the RIAs in particular identified that designating conservation areas in the Land Use Plan as Protected Areas might effectively duplicate the role of existing regulations, and in some instances, go above and beyond the direction that is in the regulations.

**(Audio switched to Inuktitut – no English recording. The following italicized is an approximation)**

*Jonathan: Given those additional considerations, there were three options. The first one is to consider removing the Protected Area designation and creating a new conservation area that would not have the appropriate regulations that apply and not have prohibited uses or terms. The implications would be that project proposals would conform to the Land Use Plan but would be subject to existing regulations. The second option would be to consider maintaining the Protected Area designation but develop a list of prohibited uses consistent with the regulations, and keeping the Protected Area status. Project proposals inconsistent with the existing regulations would be prohibited by the Land Use Plan. The third option would be to consider maintaining the Protected Area designation, recognizing the Plan may impose prohibitions that may exceed the standards and protections provided by regulations.*

*David: Thank you Jonathan. Government of Canada?*

*Spencer: Spencer Dewar, Government of Canada. I've just got a quick comment to some of the terminology in this section. So when referencing conservation areas as Protected Areas could cause some confusion. I wonder if maybe you'd consider possibly providing some clarity by using the term Conservation Zone. You don't have to answer on the spot.*

*Jonathan: Sorry. Is that in response to Option 1?*

*Spencer: Yeah, I just think when you're referring to Conservation Zones as Protected Areas it's confusing as to what that means. So it might be clearer to use the term Conservation Zone?*

*David: I don't think you need to answer right now. Bruce.*

*Bruce: Thanks David. You want me to take a stab at this one, Spencer, so that we can clarify it from at least Environment Canada's point of view? It's Bruce MacDonald. I think the terminology that we're trying to refer to is the terminology of Protected Area under the existing Draft Plan, and that carries with it - with a lot of people we're talking with - the connotation that it is, in fact, a legislative Protected Area when people hear that term. So, if you were to switch the Protected Area terminology to Conservation Zone, as is common in some other plans that you see, that may remove that connotation that it is, in fact, a Protected Area under the Plan.*

*David: Jonathan?*

*Jonathan: Ok, so just to confirm, the comment is not necessarily related to these options? It's a general comment.*

*Bruce: Correct.*

David: *Yeah, and I think you've heard that comment from me before.*

Spencer: *Okay, Spencer Dewar, Government of Canada. So our preference is Option 3. If Bruce would like to explain, that would be great.*

Bruce: *Sure. Thanks Spencer, and thanks David. Again, when referring to Environment Canada's protected areas – so that would be migratory bird sanctuaries and national wildlife areas, it's our view that when you take our regulations in the zones, when you add that to the protected area policy that Environment Canada has, the Land Use Plan itself does not exceed any of the prohibitions that would be within those areas. So in other words, considering maintaining the Protected Area designation is okay as long as it doesn't exceed it.*

David: *Except that you'd like it re-labeled.*

Bruce: *It's Bruce MacDonald. So, again the Protected Area's terminology is different from this particular issue in my view. Yeah, there are two issues. There's the terminology of Protected Areas, and there's issue #7, which is conservation areas. We prefer Option 3. Does that clarify?*

David: *Alright, Vicky.*

Vicky J: *Vicky Johnston, Environment Canada. I just wanted to respond to the comments by NTI and the RIAs that this would have legislated protected areas in the same zone as non-legislative areas – conservations zones – would be confusing to proponents. In our view, it is less confusing to have them all labeled similarly in the Land Use Plan for the very reason that Bruce outlined. It's not incongruent with our own legislation and policy. So it means you would just go to the Land Use Plan to see what you can and cannot do there instead of having to reference numerous acts, regulations, and policies. Thank you.*

David: *Okay, thanks Vicki. Miguel, Bert?*

Miguel: *Thanks, David. Miguel from NTI. I was on the verge of being more confused there with Vicky with what she was saying, but now I think I understand. That being said, our position is to advocate for what you suggested before, which I believe is Option #1, although it makes me a little nervous with creating new conservation area. We previously said we want removal of those, and we still maintain that.*

David: *The quest for consensus remains elusive. Sophia? Warren? Barney? Jackie? Denise?*

Denise: *Denise Baikie with the GN. For the listed conservation areas, the Thelon Game Sanctuary is of interest to the GN. We're supportive of the Thelon Game Sanctuary being recognized and visually represented in the Land Use Plan. Given the late notice for these discussions, the GN can make no formal expression of support for any of the three options, but we would seem to be supportive of Option 3, pending further internal deliberation. Thank you.*

David: *Thank you, Denise. Barney...Barney, I'm losing track of names. Brandon. I apologize.*

Brandon: *Brandon, WWF. I just want to thank the GoC for their clarification on that. I think that's really helpful. Thank you.*

David: Leslie.

Leslie: Yes, thank you. I think that's helpful as well, thank you. Also, the Caribou Management Board has a long history of being interested in the Thelon Wildlife Sanctuary and would definitely want to see it acknowledged within a Conservation Zone. Thank you.

Also, the Queen Maud Gulf Bird Sanctuary is of interest to the Board because of the caribou calving grounds contained within it for the Beverly and Ahiak herds. I believe the Ahiak Co-management Committee has also written about this issue. So what we were hoping for was that there would be added value from the Land Use Plan that does not restrict itself to the Migratory Bird Sanctuary designation, so we were hoping there would be actual recognition of the caribou values within the Plan.

This is complicated by the lack of decision on whether caribou calving grounds are going to be considered Protected Areas or Conservation Zones or whatever at this point. So I'd just like to basically flag that as an issue, but we were looking for added value through the Land Use Plan for the Conservation Areas or Zones related to caribou calving grounds – in this case, the Queen Maud Gulf Sanctuary in particular. I'll raise this again for other cases like the heritage rivers also. So I think that's probably all I should say for now.

David: Thanks, Leslie. Luis.

Luis: Luis Manzo, Director of Lands, Kivalliq Inuit Association. As Miguel says, we continue to support the position that we submitted in the paper. Thank you. Number one.

David: Thank you. Anybody on the phone with comments?

Rosanne: Hi, it's Rosanne from QIA here. I just wanted to add one point to what CWS was saying and we kind of had a couple of discussions about this, but I wanted to bring it forward to see how this can be addressed in the Plan. One of the issues that we have is that if some of the prohibitions that apply to the Protected Areas within the Plan –whether it's for key bird habitat sites or others – are more restrictive than what already exists in those areas if they're not legislated protected areas.

So our concern is that the Land Use Plan would be creating these Protected Areas that have greater prohibitions that already exist without going through the process of an IIBA or the consultations that are required to create a legislative protected area. So the Plan would be creating these Protected Areas without actually going through the process – the legislative process –that allows Inuit to be involved and to benefit from those Protected Areas.

That's our concern, and that's where we would almost prefer that the Protected Areas are removed if they're going to be creating prohibitions that are greater than what already applies, i.e. to existing legislated areas. I'm not sure how the Planning Commission has thought to take this into account, but our position would be if there aren't going to be IIBA's negotiated and if there aren't going to be benefits to Inuit, then it would be better to take them out of the Plan.

David: Thanks, Rosanne. Any comment from the Commission at this point? Brian?

Brian: Thank you. A question – not a comment but a question I guess to the responsible agency that decides what areas should be a conservation area and the time it takes to reach an agreement where it would be an IIBA that would benefit the people? Thank you.

David: Bruce.

Bruce: Thanks, David. Bruce MacDonald with Environment and Climate Change Canada, Canadian Wildlife Service. A couple of things: I guess the first thing, Rosanne, just so I understand your question, when you said activities that would be prohibited in a Protected Area – and this is where my confusion comes in – were you referring to one of our legislated protected areas?

Rosanne: Not the ones that are legislated, but the ones that are being created as Protected Areas through the Plan.

Bruce: Okay, it's Bruce MacDonald again. Thank you for that clarification, and again, as I mentioned last June, Environment and Climate Change Canada does certainly respect the NLCA. If there is a legislated protected area that's either nominated through the existing IIBA or another process, then we will definitely follow. It's Article 13, I believe of the existing IIBA to establish that protected area. And then yes, it would be part of the IIBA – the Inuit Impact Benefit Agreement – between Environment Canada and the RIAs and NTI.

With the protected areas – I'll call them the non-legislated ones, as they are currently described in the Draft Land Use Plan – we provided our expert information to the Planning Commission based on our knowledge of those key habitat sites, and the Planning Commission has assigned them those prohibitions. So if they do become, I guess finalized, it would be up to NPC to perform the conformity checks with those sites based on the information that we would provide them to help them with those setbacks.

David: Okay, the question from Brian was how long does it normally take to negotiate an IIBA, and in terms of centuries or decades, I think would be close enough.

Brian: If I may...apologies. Brian, NPC. The length of time it takes from an area identified that should be protected leading up to an IIBA and then the IIBA – so that timeframe. How long does it take roughly?

David: Centuries.

Rosanne: It's Rosanne from QIA. That's kind of where our concern comes in is that even if the CWS committed to creating actual legislated areas with those that were identified in the Land Use Plan as Protected Areas with the prohibitions, it's quite a lengthy process. So at that point, there is still a time where a Protected Area has been created through the Land Use Plan without the IIBA or going through that process.

David: Bruce?

Bruce: Thanks, David. I'll respond to that, and then perhaps Vicky might have some additional items. One thing I'll add is that under the existing IIBA that we have, there is a National Wildlife Area

Strategy that Environment and Climate Change Canada will be developing. That will be an open consultation-type process to develop that document.

What that strategy will do will identify areas of Nunavut where people, including the Department, would like to see – or would propose to see – legislated national wildlife areas. Some of those key habitat sites that we've put forward I would anticipate being included in that document at the end of the day, but not all of them. And then at that time, Environment and Climate Change Canada will take that document and follow the IIBA, Article 13 again to determine if a new national wildlife area would be proposed. As I mentioned, if it was proposed, it would become part of the IIBA.

David: And how long from start to finish?

Bruce: Thanks, I neglected to answer that one, because to be honest with you, I don't know how long it will take. Vicky mentioned...I've been with Environment and Climate Change Canada now for 13 or 14 years, and the current IIBA took about 17 years to negotiate. But I will add we've hopefully successfully renegotiated at least an agreement in principle to the new IIBA in, I'll say a couple of years.

So we do have a framework in place for an IIBA, and the first one I think, in most cases – not unlike a land use plan – is the toughest nut to crack. Then you see how it goes for a period of time, and then if you have to renegotiate it, it typically happens a little bit quicker, at least in my experience. But I don't think there's a timeline you can put on it that would say a new IIBA or establishing a new Protected Area would take 'x' number of years.

David: Vicky, did you want to add?

Vicky: We're flogging a very sick horse here, because we've been over this ground before, but we'll put it on the record one more time. What we have, I think, is a fundamental difference in how we view Articles 8, 9, and 11 of the Land Claim Agreement. Articles 8 and 9 deal specifically with protected areas – or conservation areas as it's termed in the Claim – that are developed under legislation for those specific types of areas: so migratory bird sanctuaries that are created under the Migratory Birds Convention Act, national wildlife areas that are developed and implemented under the Canada Wildlife Act.

When you start looking at zones under Article 11 in the Land Use Plan, you are no longer dealing with conservation areas that are created under specific legislation. Instead you are dealing with zones. Conservation zones are very normal and very regular in land use plans. Just go to the west. Look at the Gwich'in, look at the Sahtu – they both have them.

The fundamental difference between those and areas that are established under protected area legislation is the fact that they are not necessarily meant to be permanent. They are meant to be flexible. The boundaries and the reason for them existing are meant to be reviewed on a regular basis and changed as necessary to maintain the balance of land use in the area of the Land Use Plan. That is not the intention for a protected area created under Articles 8 and 9. Those are intended to be there for the long haul.

So we really have a different way of viewing what the Land Claim intends zoning to be under the Land Use Plan, and it is our view that conservation area zoning in the Land Use Plan is meant to be flexible. It is meant to be changeable. It is not a legislated protected area. I hope that illuminates our position a bit better. Thank you.

David: Thanks, Vicky. It does, but I think the underlying concern that Rosanne and others have expressed is whether it's a different beast. It effectively, from some perspectives, creates a Protected Area under a different name.

Vicky: I understand that too. We've actually had some very good conversations with the RIAs very recently about the different key habitat sites, so we do understand very well what their position is. At the same time, though, the call for an IIBA in our view, is misplaced. That is placed under Articles 8 and 9, and as Bruce said, we are submitting information for zoning in the Land Use Plan, and it's up to the Commission to zone it as it deems fit based on the evidence that they're presented. Thank you.

David: Okay, thanks. And just in response to your...sorry, Rosanne. Go ahead.

Rosanne: Sorry, thanks. This is Rosanne from QIA. Thank you, Vicky. We have had that conversation kind of separately about the difference between the conservation zone and a protected area. I understand where you're coming from and the explanation that you've put forward. But the reality is that the Plan as currently written does not differentiate between a conservation zone and a protected area, and does not allow for the flexibility of a conservation area as we've talked about.

So as it's currently written, the only option in a way is the Protected Area has the same kind of prohibitions as a legislated protected area. I'm thinking that the document Bruce talked about – the strategy that CWS was working on – perhaps that's a better place to go through the process and to try and establish these Protected Areas that aren't legislated. And if and when they are established through that process, then they could be included in the Land Use Plan through reviews or amendments or future refinements. So maybe it's too early or too soon to have those included in the Land Use Plan if they have not yet gone through that other strategy that Bruce was talking about.

David: Thanks, Rosanne. I think we've got it well enough. Bruce, thanks. But just in response to Brian's earlier question about the total time involved, it's decades and sometimes many decades. Isabella Bay, as an example, probably took 25 to 30 years from inception to the final negotiation of the IIBA. Vicky's thinking about it.

Vicky: Only 16 years.

David: Oh...wow, 16 years. National parks are a different story. Go ahead Brian.

Brian: Then my next question is in the absence of an agreed upon IIBA process to identify an area that should be protected, who is benefiting?

David: Well, that's the essence I think, of the concern that these areas established either as Protected Areas as currently labeled – “unlegislated Protected Areas” except through the Land Use Plan,

“Conservation Areas” as has been proposed. They are subject to the restrictions in the Land Use Plan, and you can argue whether there’s a benefit to that or not, but economic direct IIBA benefit? None. Bruce?

Bruce: Thanks, David. It’s Bruce MacDonald with Environment Canada. I think the question was who benefits then. To me, the way I understand a land use plan is to try and balance, I’ll say conservation, with development for lack of a better term. So when I hear the question, “Who benefits from the sites?” if there’s not an IIBA, I would argue that all residents of Nunavut, and in fact when it comes to migratory birds, all residents of Canada and internationally benefit from these conservation zones, which are deemed Protected Areas. Because as stewards of the land, as an international species, if we don’t assign them some sort of value under a land use plan, then there’s no protection for them. Then there’s no balance under a land use plan. So I guess I would say who benefits? I think it’s the wildlife that benefit, and I think it’s like I said Canadians, Nunavummiut, and people that live on this planet.

David: Alright, are there any final comments on this item before we move to the...yeah, Warren?

Warren: Thank you very much. This comment doesn’t have to deal with the bird sanctuary in particular, but the issue of zoning an area where certain industrial uses can’t take place without an IIBA would severely limit what the Kivalliq Wildlife Board and all the Kivalliq HTOs thus far have expressed they want out of the Plan, which is some protection for some community use areas and for key caribou habitat. And I may be off base here, but the direction that this conversation is going seems to suggest that some parties feel that the Nunavut Planning Commission really shouldn’t have the power to create any sort of protected zones. I don’t feel that’s my Board’s position that they’ve expressed to me thus far with their goals out of this process. Thank you.

David: Okay, thanks Warren. Let’s draw this one to a close. I think we can continue to discuss it offline if people want to.

Luis: David, my hand’s up.

David: Luis, sorry.

Luis: Too long. I just want to reiterate QIA’s comments. We have the same concerns with CWS, and enlarged – the zoning areas are too big. So if CWS pretends to in the future do any new conservation area, they should narrow it down in those areas in order to be more objective in terms of the zoning, because otherwise, those areas will be restricted for the next 20 years. So I don’t think restricting resources...what’s the point of having a Land Claim for Inuit if we can’t use those lands because it’s going to be restricted? That’s just my point of view. Thanks.

David: Thanks, Luis. Okay, so let’s move on to the...

Luigi: Mr. Chair? I would like to...

David: Go ahead, Luigi.

Luigi: Luigi Torretti, Kitikmeot Inuit Association. I think for this particular matter, it’s extremely important to distinguish between legislative versus non-legislative areas. In terms of the

legislated areas, the RIAs and NTI have spoken about that quite a bit. I don't think our position changes. Bert and Miguel of NTI spoke specifically to that.

In terms of the non-legislated areas, I fully support what Rosanne has spoken to. In the Kitikmeot, one specific area that I'm not sure if you have – the NPC has – the areas or the Land Use Plan. You should have it on screen somewhere. But the Rasmussen Lowland is a perfect example of that. The Rasmussen Lowland is an area that understandably from CWS is very important for a number of different species. The KIA is not necessarily opposed to that area potentially being nominated or developed into a conservation area. But implanting that on the Land Use Plan right now, before a Wildlife Area Strategy is ever put forward publically, I think is really putting the cart before the horse.

If they want to propose it subsequent to the necessary internal – CWS internal – workings, gears, that's fine, and we will work with them in the potential establishment of that. And maybe listed it as proposed, but right now it's there and we have a problem with that. Without an IIBA, yet it's still a Protected Area and it is part of, I understand we have had these discussions with Environment Canada and CWS in the past couple of weeks. But we wish to follow the regulatory, the legislative regime. This is really jumping ahead of that regime.

David: Thanks, Luigi. Vicky and then we've got to move on.

Vicky: Okay, it's Vicky Johnston here, Environment Canada...and Climate Change

*(Laughter)*

Sorry, forgot that. If we take this line of reasoning and extend it through to its logical conclusion, this will result in a Nunavut Land Use Plan, which will indeed be unique and made in Nunavut. It will be a Land Use Plan that has zoning with no prohibitions on activities in it. Is that really the kind of land use plan that is desired by Nunavummiut? I'm not sure it is, because that is exactly where this line of reasoning would lead. It's not consistent with other land use plans certainly that have been promulgated north of 60. Thank you.

David: Okay, and I'll just wrap it up. The whole notion of conservation zoning in a land use plan is intended as a temporary measure, and I guess what you're hearing from people is temporary means temporary. And if CWS and other agencies have any interest in converting all or part of a conservation zone into a legislative protected area, get on with it quickly. That may be the compromise, but that's the essence of it.

Let's go on....Miguel....yeah, alright.

*(Laughter)*

Miguel: Really quick. Miguel with NTI. I think that there's some potential that some of the tension here could be resolved if we could hear more about the review process and how often that will happen – a full review of the Land Use Plan and how that will be undertaken. I think if that was resolved, it might relieve some of the tension. Just something to think about.

David: Yeah, and we had that brief discussion yesterday morning that the Plan would be reviewed internally at least, every three years. People or organizations will have the opportunity to provide their input to the Planning Commission as to whether a full public review is required, or a narrower review on a particular issue. Brian?

Brian: The Claim also provides any individual affected by the Plan to request for an amendment to the Plan. Thank you.

David: But, yeah...we'll come back to it in a little more detail if we can. Can I insist that we move on to heritage rivers, please? Alright, Jonathan? Sorry, Peter.

## HERITAGE RIVERS

Peter: Peter Scholz, Nunavut Planning Commission. I'm on page 13, section 8. In the current Draft of the Nunavut Land Use Plan, three heritage rivers are discussed. For the Soper, which is the one near Iqaluit...and if we could show that, that would be great. It's proposed to be under a Protected Area status with most industrial development prohibited. The Kazan and Thelon, which are in the Kivalliq, they are under Special Management Area proposal, which is what we were talking about yesterday. It's a sort of cumulative effects flag.

Reviewing comments from the participants from last summer, staff developed three options for discussion here today. I'm on page 14 now. So the Option 1 here is to consider removing the term regarding cumulative impact referrals. The implication is that it would replace the SMA for the Kazan and Thelon with a Mixed Use designation, which would provide direction to regulatory authorities, or information for decision-makers. All land uses would be permitted.

The other option, #2, is to consider redesigning the Special Management Area policies to basically read the Heritage River Management Plans in some detail and try to meld the Special Management Areas to fit with what is written in those heritage river management plans and try to support those Heritage River Management Plans. This could include setbacks from the rivers. These will probably capture some of the caribou water crossings. Caribou overlaps with almost everything in the Plan. And it will basically develop a fairly unique Special Management Area zone for each of the heritage rivers. There is also recommendation to include the Coppermine as a fourth heritage river in the territory. With that I'll pass the mike back.

David: Alright, thanks Peter. Spencer, any comment?

Spencer: Spencer Dewar, Government of Canada. I think the heritage rivers – it's akin to some of our other comments. Where the geospatial and the biophysical information warrants Special Management, then proceed.

David: Okay, thanks Spencer. Miguel, we're talking about the heritage river stuff. Any comments?

Miguel: Miguel Chenier from NTI. As a matter of fact, the heritage rivers we sort of deemed to be mainly a regional issue, so we'll defer to the RIAs on their specific river systems.

David: Okay, thanks. Sophia? Vicky? Bruce? Warren?

Warren: Thank you. Warren Bernauer for the Kivalliq Wildlife Board. The water crossings – the caribou water crossings – on both the Kazan and Thelon Rivers are integral to the heritage value of these rivers. The report that we amended to the Baker Lake HTO's submission outlines this in a number of ways. Archeological artifacts are concentrated along the water crossings. Land use is concentrated there. The oral history, accounts of the area all point to the fact that the majority of habitation and hunting and land use took place near these water crossings on these heritage rivers. So if you were going to go with Option #2, I would highly recommend that special consideration be given to the water crossings on these water bodies. Thank you.

David: Thanks, Warren. Jackie, anything? Ema?

Ema: Sorry, Ema here with KRWB. I'm just looking at the wording in the Plan. Apparently these are some areas in the Kitikmeot that I'm not very familiar with, but the west could very well be. I would have to converse with them before making any more comments on this. Thank you.

David: Thanks. Stephane? Denise?

Denise: Denise with the GN. The GN is supportive that the designated nominated heritage rivers in Nunavut be recognized and visually represented in the Nunavut Land Use Plan. We are supportive of Option 3, but we'll need more time to review the other two options presented and provide more information in a subsequent written submission. Thanks.

David: Thank you. Brandon? Leslie?

Leslie: Hi, Leslie Wakelyn, BQ Caribou Management Board. We've submitted these recommendations previously to the NPC, but I'll just reiterate them I guess. Our first choice would be that the Kazan and Thelon Heritage Rivers both be designated as Protected Areas, as is the Soper River Heritage Area. Our second choice would be that there is some kind of Special Management Area status that excludes specific land use activities at key caribou crossings, similar to what is included in the caribou protection measure restrictions and recommendations made by the GN for migratory corridors.

We could support Option #2 with some more discussion about what exactly would be included in terms of specific land use recommendations, so we'll comment further when we see what that is. We do believe that both the Thelon and Kazan caribou water crossings are essentially key to both the values of the heritage river but also to the caribou herds. We'll comment further later. Thank you.

David: Okay, Luis?

Luis: I think that my research goes with the number one in here for the Thelon and Kazan. The caribou crossings are well respected over the years under the Keewatin Land Use Plan. As you well know, I am doing research of community effects assessment along the Thelon. We find even areas of archeological importance. But as the federal government said, there's not enough information yet. The Land Use Plan is not being adapted to the actual Nunavut Land Claims Agreement, which

recognizes all the land tenures in the region. Before the Land Use Plan in the Thelon was created, there was no parcels of IOL, as evidenced in letters sent by Mr. Quassa to the Minister of Parks at the time. I stated that we agree for establishment of the heritage rivers as long as the IOLs will be fitting and well managed accordingly after the Land Claim was signed. Probably our folks at GN knows that.

So we're going to be safe for #1, Mixed Uses, just because archeological sites are protected under different legislation. Caribou protection measures protect caribou crossings. We also have the mobile protection measures in place, even though it's not legislated. We use it in our permit because we are dealing with private lands. And we also are doing the protection of the whole entire watershed to Baker Lake. You will see some documents coming up in that area. I don't believe we are off in that. I mean those legislations are now in place, and we follow it. There's no detrimental impacts so far in the research done in the last 10 years in the Thelon. I can present that evidence to the Nunavut Plan Commission, and the water reports for the last 10 year, and they can analyze how the status of the watershed is today, which is really the basis of maintaining the values of the heritage rivers.

And by the way, the heritage river shows one checklist of one page, and they check if aye or no. Unfortunately, that's the way it is. That's why we are fighting with the IIBA, because we want money toward all of these things that we want. But unfortunately, it's only a program under the legislation, and they only have an 8x11 checklist of aye or no. They are being covered by the other government agencies. That's where we're at. So it's very unfortunate, so Mixed Use will fit the criteria. When we finish the IIBA in those, then it'll probably be different. Thank you.

David: Thanks, Luis. Luigi, any comments?

Luigi: Luigi Torretti, Kitikmeot Inuit Association. We stand by our position that the nominated river should not be on the Plan as yet. Our department has involved – not our department, sorry – the KIA here involved in the discussions regarding this river –the nomination of this river – our department is not. This is one of the things that I will need to coordinate with our office in Cambridge Bay. But at the present time, we stand by our position that it not be listed on the Plan.

David: Okay, thanks, and just for clarity, you're referring to the Coppermine.

Luigi: I am referring to the Coppermine, yes.

David: Okay, thanks. Anybody else on the phone who has any comments on this one?

Rosanne: Rosanne from QIA. I don't have any specifics at this point. We are kind of looking internally into the options for the Soper. The heritage river designation, obviously doesn't have the same prohibitions that this designation in the Land Use Plan would have. So we just need to go back and consult with the communities and internally on this one.

David: Okay, thanks. Anyone else on the phone?

*(No response)*

Okay, it is now a quarter to 12. Rather than start another section, I'm going to propose that we take a break and get back at 1:00 if that works for folks. We'll get on schedule and Brian may have an update for us on the caribou workshop.

Luigi: Mr. Chair?

David: Yes?

Luigi: Mr. Chair? Luigi Torretti, Kitikmeot Inuit Association.

David: Go ahead, Luigi.

Luigi: I just wanted to let you know that due to the time zones, I may be missing some of the conversation this afternoon. I'm not asking that you delay, but certainly for the Bluenose, KitIA would be important to include in that discussion, so I would like to ensure that I'm present for the whole conversation.

David: Okay, when do you think you'd be available?

Luigi: Should be...I'll be back at 12:00 – sorry, I'll be back at 1:00, so 2:00 your time.

David: Okay, well we'll defer the discussion until 2:00, until you let us know that you're back.

Luigi: Okay, perfect. Thank you.

David: Okay, so back at 1:00 local time.

## **LUNCH BREAK**

## **CONTINUED DISCUSSION OF UPCOMING CARIBOU WORKSHOP**

*(Audio switched to Inuktitut – no English recording. The following italicized is an approximation)*

*David: We'll start the discussion about the timeline with the caribou workshop. As usual, it's getting more complicated rather than less. So I'll turn it over to Brian to talk about the options that are being considered. Brian, are you ready?*

*Brian: Thank you David. Brian, NPC.*

*Brian: First of all, the deadline for submissions has now moved two weeks and is now March 4<sup>th</sup> to submit written comments for participants to submit comments on technical session or Draft Plan. February 22<sup>nd</sup> hasn't changed. We are proposing currently a caribou workshop, it's competing*

*with some other dates and we also have the NIRB session happening March 1 to 4. Currently right now we're suggesting March 2 to 4. March 18<sup>th</sup> is to submit responses to written comments.*

*The other change is May 15 for the English only release of the Refined Draft Nunavut Land Use Plan and Options and Recommendations Document. It was April 15<sup>th</sup>. On June 13<sup>th</sup> the translations will be available. We are suggesting a March 2 to 4 caribou workshop in Iqaluit. If we can't come to an agreement, we'll go to end of August following the prehearing conference.*

*David: Thanks Brian. So I'll just summarize. The options are March 2<sup>nd</sup> to 4<sup>th</sup> for a caribou workshop. That's subject to getting agreement on the agenda this week. Or looks like the end of August. Miguel?*

*Miguel: Does that mean if we had it that week of March 2<sup>nd</sup> to 4<sup>th</sup> that it would make it into the redline version?*

*David: That's the intention.*

*Miguel: Okay.*

*David: Sophia?*

*Sophia: Sophia with the Nunavut Impact Review Board. Our Meadowbank hearing is March 1<sup>st</sup> and 2<sup>nd</sup>. So, you have the caribou workshop March 2<sup>nd</sup> through 4<sup>th</sup>, so I'm just curious about that. I know there's going to be participants around this table that have to be at the hearing as well. We would require regulators to be there both days, and it's going to be at Baker Lake. So I'm just curious about those date.*

*David: Denise?*

*Denise: Not to throw a wrench into it but March 2<sup>nd</sup> through 4<sup>th</sup> don't work for the GN. If possible after the 15<sup>th</sup>? Sorry, folks.*

*David: That's okay. That's what we're trying to sort out. Everyone has conflict.*

*Brian: We first thought March 7-9 but that's the timing of PDAC, so that idea was thrown out. I can't remember exactly why we can't do it the end of March. March 28<sup>th</sup> to 31<sup>st</sup> – KWB is not available during that time. A question if I may: If there's an option between a caribou workshop, which we hear is important to residents of Nunavut and between dates of 7-9, would there be a thought of doing it instead of PDAC?*

*David: We'll let people digest that a little bit. Obviously there would be people here that would want to be at both, particularly the Regional Inuit Associations and NTI, and potentially GN and Government of Canada too. That's a tough one. We've already heard concerns raised by Industry that previous meetings excluded them. We want to avoid that. So the end of March – oh, it's Easter weekend too, so that's difficult. March 7<sup>th</sup> to 9<sup>th</sup> - it's not ideal, but it shouldn't be a deal breaker. Denise.*

*Denise: What about March 15<sup>th</sup> to 25<sup>th</sup>, is that not doable?*

*David: It's not doable for your current facilitator. I'll be out of the country. And Miguel too. So at least two of us won't be there, not that I'm irreplaceable. So it's either that, and we squeeze it in somehow in early March, or we could work around the Easter thing... or we have it in August. Barney.*

*Barney: Barney, Mayor of Chester. The 7<sup>th</sup> 8<sup>th</sup> and 9<sup>th</sup> would be more ideal for us. At the end of March we won't be able to attend. Thank you.*

*David: Thanks. So PDAC – is that a deal breaker for folks?*

*Miguel: I suggested this to Jon but could we do it in Toronto? I mean the RIAs might potentially be there. We'd be there. Industry might be there. It's a suggestion.*

*David: Yeah, I don't know. I'm not getting positive vibes from the Nunavut Planning Commission. I guess the potential of having a caribou workshop in Toronto doesn't resonate very well. Well look, I guess we're not going to reach a decision today, but I'm going to have to ask people to think very carefully. The best solution seems to be unfortunately coinciding with PDAC. That probably gets most people – if not everybody. The rest of March for one reason or another is not ideal. If it's deferred further, then it won't happen until the end of August, in which case it's not going to be incorporated into the redline version. Sophia.*

*Sophia: Sophia with NIRB. I'm just curious. I haven't heard anyone talk about the week of the 14<sup>th</sup> of April. Is there any issue with the week between the Doris North and the Sabina hearings in April?*

*David: I think that gets into the redline version issue. I mean it could happen then, but it's not going to be incorporated in the redline. And if it's going to be mid-April, then why not make it late August? Leslie.*

*Leslie: I was just wondering if there was anything in between the Meadowbank date and the PDAC date. I mean, even if it goes over a weekend or something, that might be preferable in between those two meetings? The 3<sup>rd</sup> through the 6<sup>th</sup> I think?*

*Stephane: Stephane Robert from Agnico Eagle. Can we propose Baker Lake on March 3<sup>rd</sup> and 4<sup>th</sup>?*

*Warren: I think Baker Lake would be an excellent place for a caribou workshop.*

*David: Brian?*

*Brian: I won't be available. Alan and I won't be available during that week. We're in a Commission meeting in Iqaluit that whole week.*

*David: Alright, those are two critical people. So, we've got a problem. I think what I'm going to suggest is that people mull it over, look at the PDAC conflict seriously and then decide how to proceed. That week of later in March is available. You guys can proceed without Miguel and me, or you can wait. It seems to me it's either early March, later in March, or late August. That seems to be the most likely dates. Brian.*

Brian: Thank you, David. February 24, 25, 26?

David: February 24<sup>th</sup> to 26<sup>th</sup>. Is that going to give people enough time to get organized, bearing in mind that this is not an information sharing session? It's a decision-making session, or at least that would be the hope and the objective. Get the right people at the meeting.

Stephane: Can I suggest that we take the day to think about it and come back tomorrow morning for the PDAC week?

David: Yep. I think that's reasonable.

Warren: I'm just curious, does anybody have major conflicts the 24<sup>th</sup> through the 26<sup>th</sup>, or is that actually a viable date, because that works very well for us. February.

Brian: Well I'm not seeing any obvious. Yeah, thanks Mitch.

Mitch: Yeah, sorry about that. We have a pretty major consultation planned for polar bears and caribou that's running between roughly the 22<sup>nd</sup> of February, and we haven't got all the times set with all the HTOs. So we're trying to give ourselves at least about 10 days into March to get that resolved. It's a pretty urgent issue for us to do this, so that is the only conflict actually is during that period. All the other periods – for me, anyway, I'm not sure about my colleagues – are open. Sorry.

David: Well, let's leave it for now. What I'm going to suggest is people come back tomorrow morning. I don't know how to organize this effectively, but I guess what I'd suggest is that people come back and give Jonathan or Peter the dates that work for them, and the dates that clearly do not work for them, and we'll try to figure out the clearer options. But the more we talk about it, the more likely it is that deferring it is unfortunately the easiest choice, if not the best choice. Miguel.

Miguel: The March 18<sup>th</sup> date: is the only restriction on that yourself and myself?

David: I don't know.

Miguel: I mean I can't speak for you, but I mean I'm sure they could find a replacement for me.

David: I can guarantee they can find one for me too.

(Laughter)

Brian: That's something that I will think about, David. I can't commit to that right now.

David: Alright, well again, we'll leave it. Think about it overnight. Give your critical dates to Jonathan or Peter, the Planning Commission folks, and we'll pick up the discussion later tomorrow. In the meantime, I've asked Peter to find the most recent version of the agenda that was developed for the caribou workshop that didn't happen. Have you found it?

Peter: Yes.

David: *Okay, then if you can distribute it to everybody email-wise, and then we can start thinking about the agenda that would go along with this workshop whenever it occurs. Folks have asked that we not do it all in one shot, but that we work through the agenda progressively during the balance of the week. So again, if the agenda is sent out to folks, if they can provide their edits back to the Commission, then we can refine it as we go. Oh, and apparently Stephane has it on disc or memory stick. So we can by the end of this week, I hope, reach a consensus on the agenda for an effective workshop, and by the end of the week too, we should know when it's going to happen. Any more discussion? Brian.*

Brian: *I just want to ease your thought process. We're suggesting week 1, week 2, or week 3.*

Alan: *Alan Blair, Legal Counsel for NPC. We were just suggesting options. They seem to be four successive weeks. The dates don't exactly line up as Mondays, but Week 1 is perhaps somewhere around Wednesday the 24<sup>th</sup>, so late in that week, but we're open to suggestion.*

*So Week 2 or option 2 is the very next one. We've suggested the 2<sup>nd</sup> to 4<sup>th</sup>, but again the dates could change.*

Yes, to clarify, there are four weeks in a row starting with February, the week that has the 24<sup>th</sup> in it, and that's a probable first day, because I heard people say late that week. The next week is the next week in the calendar, Wednesday, March 2<sup>nd</sup> to 4<sup>th</sup>. That's option 2. The third option is the next week, and in that week I heard the dates 7, 8 and 9. The fourth week – so the fourth option – is late in the week, somebody was suggestion somewhere around the 17<sup>th</sup> or 18<sup>th</sup>. So you have four weeks in a row, options 1 to 4, but the dates don't all start on a Monday.

First option is starting with the 24<sup>th</sup>, open to suggestion. The second option is starting with the 2<sup>nd</sup>. The third option seems more constrained, probably the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup>. The fourth option is around about the 17<sup>th</sup> or 18<sup>th</sup> of March. So when you're having those discussions, you can line up on which week option is best. Thank you.

David: Great, thanks. Okay, so if you can get your critical dates and preferences to the Commission by tomorrow morning, then the Commission can digest the results, and we can have a discussion afterwards. Brian?

Brian: Thank you. Before you get back to the agenda, we got an email from Dwayne James from DND, and he would like an idea of when we might discuss the DND and contaminated sites so he can make himself available? Otherwise, he's going to call in tomorrow morning first thing.

David: Okay, let me just finish off on the caribou stuff then. So the Commission will circulate the most recent draft agenda, ask for edits, and get those into the Commission as soon as you can. We'll have a discussion, say tomorrow afternoon as to what things look like, and we'll progressively refine the agenda during the rest of the week.

So for the agenda this afternoon, we are at migratory bird setbacks, and Leslie wanted to be here for that. I think we should accommodate that. She should be back in about an hour. We could do the proposed national parks....sorry?

Spencer: For proposed national parks, we said we'd wait for Luigi.

David: Right, so let's defer those two until later in the afternoon. We've done conservation areas, heritage rivers and we're at the areas of equal use and occupancy and community drinking water, watersheds, or we can do the DND contaminated site stuff. Why don't I suggest that we do the DND and contaminated sites portion of the agenda now. I don't think Leslie or Luigi would have any concerns with that. If they do, we can brief them on the results of the discussion. Then we can get to the migratory bird setbacks and proposed national park and hopeful Items 9 and 10 later on this afternoon. You want to lead off with the DND sites?

Spencer: Spencer, Government of Canada. I just wanted to make sure Dwayne James or Greg Matthews is on the teleconference if we're going to discuss this one.

David: On the line?

Dwayne: Hi, Spencer, it's Dwayne James. Both Greg Matthews and myself are online.

Spencer: Excellent. Thanks.

David: So are we good to go? Alright, Jonathan or Peter?

## DND SITES

Jonathan: Thanks, David. This is Jonathan from the Commission. We're now on Section 11, DND sites starting on page 18 of the English version of the Considerations document. The issue is how the various Department of National Defense sites should be treated in the Land Use Plan. There are a variety of different sites from remediation sites, some of them being contaminated; North Warning System sites, as well as other establishments throughout the territory. I won't bother summarizing all of those tables, but in general, these sites are treated in the Plan by prohibiting a variety of other uses, and in most cases all uses except Government of Canada activities or those associated with remediation.

We received some additional comments from the Department of National Defense that these prohibitions were perhaps overly restrictive, and we're looking for additional opportunities to provide input into the process in order to address some concerns about impacts on existing infrastructure in the territory.

***(Audio switched to Inuktitut – no English recording. The following italicized is an approximation)***

*We've had some discussions with the Department of National Defense in which we developed at least one consideration that might work to refine the Plan to alleviate these concerns. On Option1 on page 20, an option for refinement for the current Draft Plan would be to consider removing the prohibitions, and instead including setbacks from existing infrastructure that would be identified in the Plan as being eligible for a minor variance. This would allow the Department of National Defense to provide input through a public process into the Commission's review process.*

*The implications of that are if the prohibitions are treated as setbacks that are eligible for a minor variance, when a project proposal was received in an identified area, a minor variance process could be initiated that would provide for input during the consideration of the proposal. This would allow DND to provide input to determine if the use would interfere with existing infrastructure. I'll note the minor variance process is governed by an internal procedure that the Commission has approved, which is in turn, governed by the requirements of the Nunavut Planning and Project Assessment Act.*

*But essentially, we receive a project proposal. It's noted as not conforming to the Land Use Plan, but it is eligible for consideration as a minor variance, but before the Commission could grant such a variance, it would be required to post public notice and request for reasons as to why the variance should not be granted. And that would allow the Department of National Defense – and in fact, everyone – to weigh in on the appropriateness of a particular use.*

*There was also a separate issue regarding the identification of a particular seismic array in Cambridge Bay not being fully identified in the Land Use Plan. That had been the result of areas within municipal boundaries generally being designated Mixed Use in the 2014 version. My understanding is that DND and Indigenous and Northern Affairs were going to have further discussions, including with the municipality of Cambridge Bay about that designation. So we'd welcome input on those options.*

*David: Thanks, Jonathan. Spencer?*

*Spencer: Thank you. Spencer. We have two people who are going to probably speak on this. Dwayne, did you want to go first or would you rather Ken or someone else?*

*(Laughter after another participant joined the discussion by phone)*

*Dwayne: Dwayne James here, Department of National Defense. I think I'm going to defer to Ken Landa to provide the explanation and the comments on that item.*

*Spencer: Okay, thank you. Ken Landa, you're on.*

*Ken: Thank you, Dwayne. It's Ken Landa from Government of Canada. Jonathan, thanks for introducing the two topics. I'm only going to be referring to the one, the first topic about the potential for Protected Areas around contaminated sites. The DND has raised these sites for identification, and the interest that they are trying to achieve is that proponents are aware that these sites exist and that they raise considerations that should be taken into account. DND has a mechanism to be aware of a potential for project, so the proponents and DND could engage directly. And I think the Commission well understands that.*

*The Commission's proposed approach creates prohibition zones that would then require going through some sort of procedure, probably the minor variance procedure, to turn a prohibition into a permission. That's far more interference...This sounds awful to me. I don't know if I'm cutting in and out for others. Okay, good.*

*It's not what I'm saying that sounds awful...*

*(Laughter)*

*The concern that DND has is that this is creating more interference with potential users of land than they think is necessary to achieve the interest and the value underlying it. So, my suggestion – and I had hoped to have a chance to discuss this before raising it on the floor – I think there is a way of achieving DND’s interests without creating any prohibitions or any particular onerous restrictions, and that is to use the Commission’s power to create conditions for permitted uses. Permit all uses in these areas but attach as a condition, to every use, that prior to engaging in that use that DND is contacted. Every project has multiple components, and many of those components don’t happen until well after the conformity stage, etc. etc. So what we’re saying is that it’s a mandatory component of a project that you talk to DND.*

*Jonathan: Sorry, to clarify: The Plan would require a conversation?*

*Ken: In essence, yeah. It’s a required component of this project that before engaging in physical activities, you notify an interest holder of your intentions.*

*Jonathan: Could that also be achieved through a notification once a project proposal is submitted? Like if that conversation is not going to impact the conformity determination process...I’m trying to find the benefit of having a conversation. I’m trying to find the benefit of conversation.*

*David: Ken?*

*Ken: It’s precisely because DND is not looking to have the Plan prohibit physical activities, but rather to set the conditions where people are notified of things that need to be done. It probably does merit additional discussion if this is the first you’re hearing of it. So, maybe we need a way to come back to the issue. The key, though is DND is not looking to prohibit uses and then put balance to the burden on proponents to turn it around. We’re looking for ways that create less interference but still achieve the DND interaction.*

*Jonathan: I guess I’ll just note that I think the same effect could be achieved outside of the Land Use Plan through, such as through a notification. We have had similar conversations with Parks Canada, projects near to parks, but nothing in the Land Use Plan. So a notification could be sent off and DND would receive that.*

*Ken: It may be that a purely administrative approach outside the Plan could occur. That sounds consistent with the direction we’re trying to go with less restrictive than the current option, so that might be ground for discussion.*

*Jonathan: So plan would still identify these areas with existing infrastructure but not have any conditions or requirements?*

*Ken: In either case, yes. We think it’s important that the Plan clearly demarcate a zone of influence where activities of a proponent might need to be considered differently.*

*Jon: And the Commission would not consider – zone of interest but not affect conformity determination process?*

Ken: *That's right. DND is looking for the approach that does not affect the conformity determination.*

David: *Okay, Miguel?*

Miguel: *Thank you. Miguel from NTI. We appreciate DND and the Government of Canada's flexibility. It sounds promising. We like the approach that is being taken. If we sort the details, we can get to an agreement.*

David: *Thank you. Anyone else? How about the folks on the phone identify themselves please.*

Dwayne: *Dwayne James and Greg Matthews with Department of National Defense*

Liz: *Liz Kingston with the NWT-Nunavut Chamber of Mines.*

Tineka: *Tineka Simmons – CanNor Department of Management Office.*

Luigi: *Luigi Torretti, Kitikmeot Inuit Association.*

Rosanne: *Rosanne D'Orazio with Qikiqtani Inuit Association.*

Peter: *Peter Lansdown, Qikiqtani Inuit Association.*

Deborah: *Deborah Boshaw, Fisheries and Oceans Canada*

Nicole: *Nicole Butler, Baffinland.*

David: *Great. Thank you. Once again, apologies for delays this afternoon. Alright, so contaminated sites?*

## **CONTAMINATED SITES**

Jonathan: *Thanks, David. This is essentially the same concept. It's often not associated with National Defense sites but with abandoned DEW line sites when there were prohibitions around these sites. Option to use a minor variance since prohibitions overly restrictive.*

David: *Spencer?*

Spencer: *Yeah, Government of Canada. We would like to see an alignment with DND sites and contaminated sites. Thank you.*

Miguel: *Miguel from NTI. We have a similar issue and hopefully we will make similar progress. We will keep talking.*

David: *Jackie? Ema? Anybody on the phone that has a comment? Jonathan, just back to point 2 on the previous discussion. I didn't hear any comments on that.*

*Jonathan: Thank you David. Was there any update – treated as the same? Same solution to be for this seismic site as others?*

*Spencer: Dwayne, would you like me to provide comment on this?*

*Greg: It's Greg Matthews with DND. It goes a bit deeper than being treated the same way, it's just getting it recognized in the actual Plan itself. DND is representing the Department of Foreign Affairs in regards to this site, and it has international treaty obligations that it's under, and the entire property itself needs to be recognized and not only brought into the Land Use Plan, but actually recognized as a whole because it has been absent for some time now.*

*David: Ken?*

*Ken: Greg, Dwayne – it's Ken Landa for Justice Canada. Maybe we shouldn't yet assume that JSRF should be treated the same as what we said about the other DND sites. It's a very different character. I'll continue to get back to you on that.*

*Greg: Okay, thanks Ken.*

*Jonathan: The reason it was not fully recognized in Land Use Plan is because it was within the Cambridge Bay boundary. If it's going to a more illustrative direction, it wouldn't be a problem to add to Schedule A.*

*Greg: Greg Matthews with DND again. The actual seismic array is larger than the definition for the Cambridge Bay footprint. There have been community consultations and there are certain land leases that occupy portions of that reserve.*

*Ken: Ken Landa, Justice Canada. So we're not going to be able to make a lot of progress on here, but it sounds possible that JSRF might need more than one zone to deal with different areas of it being treated differently by the Plan.*

*Jonathan: Okay, fair enough. I'm getting a bit confused - sorry, this is Jonathan again - that there might be some requirement of the Plan for this particular area and not for the other National Defense lands. I'm getting a bit confused on that.*

*Ken: Ken Landa, Justice Canada. That's because they're different with different needs and different values that need to be protected. The geospatial and sensitivity of those things are very different.*

*So obviously, we aren't equipped – none of us is equipped – to fully grapple with all the issues with JSRF today, so we're going to have to find a way, probably outside of a formal meeting, to advance the thing and then bring it back to you.*

*David: Okay, I guess I'd just encourage that to be done sooner rather than later. Brian?*

*Brian: Can we get a date of when we can have that discussion before the week is over? Thank you.*

*David: Spencer, Ken, do you think you can answer?*

*Spencer: Hi, Spencer Dewar, Government of Canada. I think it best that we make the commitment to have it as part of our written submission.*

*David: Okay. I don't see any objections to that. Given that Miguel and Leslie and Warren are not back yet, I'm going to suggest that unless there are objections, we move to Items 9 and 10: areas of equal use and occupancy and community drinking water supply watersheds. Does that work for people? Alright. Who's got it? Peter?*

## **AREAS OF EQUAL USE AND OCCUPANCY**

*Peter: Thank you, Peter Scholz, Nunavut Planning Commission. Areas of equal use and occupancy: I can bring up a map if necessary, but in essence, these are items generally in eastern Hudson and northern Hudson Bay, which are jointly claimed by Aboriginal groups in Quebec and the Inuit of Nunavut.*

*In the current Draft of the Plan, these areas are marked for Protected Areas with restrictions on most industrial development. The two parties in question – Makivik from Quebec and NTI – have stated they are in discussion on the appropriate land use regulations they'd like to see in these areas. We are awaiting their input before we pose any potential changes or refinements to the Plan.*

*David: Are there any comments from anybody on this one? Government of Canada? Anything on this?*

*Spencer: No comments on the areas of equal occupancy.*

*David: Miguel?*

*Miguel: Miguel from NTI. I know that Rosanne has been discussing with Makivik this issue, so if she's on the line, I'd rather that she actually responded to this. If she's not, I can give sort of a brief outline. Rosanne, are you on the line?*

*Rosanne: Yeah, I am Miguel. I can probably start by just giving kind of an update of our conversations with Makivik. I spoke with Makivik last week. QIA is trying to get into Sanikiluaq and Cape Dorset to discuss the areas where there are joint occupancy lands. As I mentioned before, this is one of the priorities that we've put forward to consult with these communities about the intent of the Inuit Owned Land parcels in those communities. So we're hoping to get that done. It's just down to logistics at this point whether it will happen in February or March.*

*And then Makivik on their side, I'm waiting to hear back from them as to whether they are going to do any consultations on their side, but either way, we're going to come together to submit a joint letter. The one thing that would help us, I guess, as we go into our respective communities is that there are two different designations that apply specifically to the area where Sanikiluaq is. The actual Belcher Islands themselves are designated as a Protected Area with the prohibitions of oil and gas development, I think, in any related research.*

*And then the joint occupancy islands that are just off the east coast of Sanikiluaq have prohibitions -have greater prohibitions, so all mining, oil and gas, quarries, hydrodevelopment, all weather roads. It's not clear to us from the details in the Plan as to why those joint occupancy islands have greater prohibitions than the Belcher Islands. It would be helpful for us if the Planning Commission could provide further information that we could bring to the communities with us to just explain the prohibitions that apply in the Land Use Plan.*

*David: Jonathan?*

*Jonathan: Yeah, thanks Rosanne. I guess in general I'd just like to note that the Protected Area designation that covers the Belcher Islands is generally the result of the identification of key migratory bird habitat, which is primarily a marine identification. So all key migratory bird habitat sites that were predominately a marine component were assigned a consistent designation that included prohibitions on oil and gas, as well as setbacks from particular sites depending on the species of birds that were present. Whereas the areas of equal use and occupancy were treated similarly to Community Areas of Interest that were identified by communities, where they would like to see protection.*

*So during our meetings with communities in the area, they identified the importance of these areas for a variety of reasons, and those reasons are noted in the community reports. All those areas are consistently applied a Protected Area designation, and that as you said, prohibits mineral exploration, oil and gas, quarries, that type of thing. So those two areas were identified for different reasons and were applied similar designations in both cases. Thanks.*

*David: Rosanne any follow-up?*

*Rosanne: Well, I guess I will try and determine the reasons for those prohibitions based on the feedback in the community reports. Maybe before we actually go into the communities, I can have a separate conversation with the Planning Commission just to make sure I understand the reasoning, I guess, behind the feedback and how it turned into those prohibitions.*

*David: Jonathan?*

*Jonathan: Yeah, and in general Rosanne, you'll note in the community reports – as I think we have discussed before – you won't find specific mention of particular uses that should be prohibited. You'll find reference to the areas being protected, preserved – protected from industrial development perhaps. But the feedback in there would be more general than what you might find in the explicitly listed uses in the Plan.*

*Rosanne: Yeah, and that is hard for us to make at times is how the Planning Commission came up with the prohibitions based on that feedback. That would just help us have clarification on that so that we can relay it back to the communities when we go in.*

*David: Okay, Rosanne I think Jonathan and the Commission staff are prepared to discuss this further, but perhaps not right now. Any other comments or concerns?*

*Rosanne: Makivik I don't think was aware of this Technical Meeting. So I just wanted to ask on their behalf if they are included on this distribution list.*

David: Peter?

Peter: Hi Rosanne. I met some folks from Makivik at the Nunatsiavut Marine Planning Commission in Vancouver, and they were fully aware of this meeting.

Rosanne: I think those are different organizations, but just based on the emails and the agendas that are going out, I'm not sure that Makivik is receiving them.

Peter: We'll check our email list then.

David: Okay, Ken did you have a comment?

Ken: I think that last exchange covered it.

David: Alright, just going around the table. Miguel, any follow-up?

Miguel: No, nothing further at this time. Thanks.

David: Okay, anybody? Anybody?

*(No response)*

Anybody else on the phone? Anything to add to the discussion?

*(No response)*

Alright. Next item. Jonathan?

## **COMMUNITY DRINKING WATER SUPPLY WATERSHEDS**

Jonathan: Thanks, David. We're now on Issue #10, Community drinking water supply watersheds. The issue to be discussed is should the Draft Plan include additional conditions for the protection of community drinking water supply watersheds? To summarize the 2014 Draft Plan approach, the Draft Plan identifies community drinking water supplies that lie outside municipal boundaries. That's the first key note to make. So if there are communities not in the list, it was because their community drinking water supply watersheds were entirely contained within municipal boundaries, which were designated Mixed Use in the 2014 version of the Plan.

Those communities that have drinking water supplies that extend beyond their municipal boundaries were assigned a Special Management Area land use designation, which noted as a term that the NPC may refer project proposals falling on Schedule 12-1 to NIRB, In the case of cumulative impact concerns, we've already discussed that. It was generally agreed that approach might not be the most appropriate one, as well as direction – in this case, the Nunavut Water Board – to where appropriate, mitigate impacts on community drinking water supplies to ensure the integrity of the drinking water is maintained.

*We also talked about calling 'direction' something else, and changing the wording around a little bit. So those concerns are still on the table. There were some comments from the Kivalliq Inuit Association about enhancing the protection of community drinking water supply. Those are noted in the table, which led to a number of options for Consideration for Refinement to the Draft Plan.*

*The first one, related to previous discussion from yesterday, was to remove the term related to cumulative impacts, and we'd note that this would replace the Special Management Area with a Mixed Use designation that would still provide direction to regulatory authorities. So in this case, all uses would be permitted, but there would be direction, or information for decision-makers, or whatever it might become.*

*A second option for refinement would be to consider developing general conditions that would provide protection for community drinking water supplies. We would need to identify appropriate conditions for land uses and/or identify incompatible uses that should be prohibited. This subject has been discussed ongoing for years, and they have yet to be developed or suggested or recommended, so we still, in the current Draft, have the more general approach.*

*Finally, Option 3 is that planning partners may consider committing to a process to develop specific potentially quantitative water quality or quantity conditions for community watersheds for inclusion in the Land Use Plan in the future through Plan amendment. So we recognize that the appropriate conditions may be a more lengthy process than is currently available, and partners may wish to pursue that over a longer course. So I'll stop and look for feedback.*

*David: Spencer?*

*Spencer: Spencer, Government of Canada. Our preference, which is consistent with our original position, would be for Option 1 with the caveat of information for decision-makers.*

*David: Miguel?*

*Miguel: Miguel from NTI. We would be looking towards supporting either Option 2 or 3. We could, with further discussion, commit to a working group for #3 to develop the specific conditions that need to be met.*

*David: Okay. Obviously there is some room for follow-up there, but I think maybe what I'll do is go around the table and let the Commission address the comments as they receive them and then come back and figure out next steps. Sophia? No? Vicky? No? Warren? Barney? Well we'll be out of here at noon tomorrow if you guys keep this up. GN?*

*Amy: We were originally leaning towards Option 2, but we recognize that this could require more information from different parties, so we could consider 1 as well. Option 3 we would have to go back to our seniors and get their thoughts on that.*

*David: Okay, anybody else? Comments? Luis?*

*Luis: I think that we will be okay with 1 and 2 to give to some directions to the regulatory authorities, I guess, to be flexible. Knowing this, research is being taken place.*

*David: Any comments from folks on the phone? Alright, Spencer did you want to add?*

*Spencer: Spencer Dewar, Government of Canada. I just have a question. It seems like there is some openness to #2. I just want to ask the Planning Commission, has there been any discussions with the Water Board on this one?*

*Jonathan: There have been discussions in the depths of time and years gone by. We have discussed this with the Water Board. We've requested input from them on what appropriate conditions might be appropriate for inclusion in a Land Use Plan. We have not received any feedback on that. As of today, the Nunavut Water Board has yet to apply for participant status in this current process leading up to the public hearing, so I'm not sure where they stand on this file today.*

*Spencer: Thank you.*

*David: Okay, Jonathan, do you want to follow-up with Miguel's suggestion and see what's doable there?*

*Brian: This is a suggestion regarding a working group. Based on our last experience following the second Technical Meeting in July to deal with caribou, we attempted to have a working group. That didn't pan out too well. But I think we can discuss this over the next couple of days and provide you with an update before this week's over. I have to do a little huddle with the team before we come up to this. Thank you very much.*

*David: Okay, we seem to be falling into a pattern of deferring things until the next time. I understand that people may not have had adequate time to prepare, but still. It would be nice to get a few things settled. Miguel?*

*Miguel: Well something that I think could be addressable, and I want to make sure to catch him while we still can. I'm not sure what the agenda was supposed to be now for the afternoon. I've been kind of trying to find out, but we said we're going to get to the Bluenose, and I know Luigi would definitely want to speak to that, and we want to catch him while he's on the phone.*

*David: Yeah, and Leslie wants to be here for the migratory bird and the Bluenose stuff, and it's only 2:30. I'm a little hesitant to move into some of the other agenda items for tomorrow, given that's way ahead of time. Jonathan?*

*Jonathan: I'm just curious as to when Leslie is expected to return.*

*David: In about half an hour is my understanding. Warren's back. Yeah, and Miguel hasn't signed in yet as far as I know. Sorry, not Miguel. That other guy. Luigi. Is he on the phone now? Okay.*

*Miguel: Luigi, can you confirm that you're on the phone, please?*

*Luigi: Yes, confirmed.*

*Miguel: Thank you.*

David: *Alright, sorry Luigi. I didn't recognize your voice. Well, let's do the migratory bird setback thing first. I think that's of the least concern to Leslie. If that works for everybody else, let's proceed with that. Okay. It works for Vicky, and that's all that matters. Brian.*

*(Laughter)*

Brian: *Thank you, David. While Jonathan or Peter is getting ready for the next topic, I would like to suggest a quick 5 to 10 minute break after that topic so we can discuss Miguel's option.*

David: *Yeah, sure, or we can take a short break now.*

Brian: *Sure, it doesn't matter.*

David: *Why don't we do that now? Okay. So a 10 to 15 minute break and then we'll get back on.*

### **BREAK**

David: *Before we start, I'll ask the Planning Commission to update on the previous discussion.*

Brian: *Thanks, David. I'm going to give it to Peter to respond to that. Thank you.*

Peter: *Peter Scholz, Nunavut Planning Commission. Developing a watershed management plan to quantitative standards takes several years, and it is not possible to include that kind of data in this version of the Land Use Plan. So the commitment that would be made would be simply agencies stating in the Plan that they commit to developing these kinds of detailed watershed management plans in a strategic way for communities, which would be included as Plan amendments in the future.*

The Nunavut Planning Commission has planners in it, and not water scientists. We rely on recommendations from scientists for these kinds of science-based planning regulations. We had a discussion internally, and with Miguel at NTI, and we agreed that such a working group need not necessarily include NPC at this time. It would definitely need to include the Water Board.

David: Any comments? Miguel, anything?

Miguel: That's correct, although Peter, I understood – I didn't mean maybe perhaps to say that the NPC wouldn't be involved at all, just that you wouldn't necessarily have to lead the charge.

Peter: That is essentially our understanding as well.

David: Okay, we're good to go I think to marine setbacks. Jonathan?

## **MIGRATORY BIRD SETBACKS**

Jonathan: Sorry just to clarify: We're on Section 5, migratory bird setbacks, so on Page 9 of the Considerations document. The issue to be discussed is how should the migratory bird setbacks in Table 2 be implemented. I'll just note the 2014 Draft Plan approach was to apply direction to regulatory authorities to, again where appropriate, incorporate the setbacks in Table 2 for the particular species of birds during the issuance of permits, licenses, and authorizations. This was implemented in this way in the previous version of the Plan because within the larger polygons that were identified for the importance of migratory birds, there was no specific site information that was available to the Commission by which we would be able to assess a given project proposal for conformity against those requirements. So those details were being passed on to regulatory authorities through direction.

We received comments from the Government of Canada that this was a great example of where a condition could be included in the Land Use Plan for the NPC to determine conformity with these setbacks, again as a condition of the Plan.

Now we've noted here as well that in order for the NPC to conduct a conformity determination on whether a project proposal satisfies these given setbacks, more detailed spatial information within each key bird habitat site is required. So if there is a setback from a particular cliff face on which birds are nesting, we would need to know where that cliff face was in order to assess the conformity of a project proposal.

So the options for refinement are to consider making the migratory bird setbacks a condition of conformity if more detailed information is provided regarding specific spatial locations within each key bird habitat site. The implications of such a refinement would be that the NPC would determine if the setbacks are met during conformity determination rather than by other regulatory authorities. With that, I'll stop for further input.

David: Okay, Spencer.

Spencer: Hi, Spencer Dewar. Government of Canada. We agree with Option 1, and I'm going to turn it over to my esteemed colleagues from Environment Canada and Climate Change to discuss some of the work and the information that's required to make it implementable.

David: Bruce?

Bruce: Thanks, David. I'm not sure I've ever been called 'esteemed' before, but I appreciate it.

*(Laughter)*

I'll just confirm that Environment Canada would provide the detailed shape files, I presume, to make that work.

David: Vicky.

Vicky: This seems to be the appropriate time to update the room and the Commission in particular about recent conversations that Environment Canada has had with Regional Inuit Associations and with Nunavut Tunngavik, and this is specifically about the various key bird habitat sites in the different

regions. We've actually had quite fruitful discussions. We have narrowed the areas of concern from about 3 feet wide to 6 inches or so, so we're quite encouraged by the progress that we've made. I just want to take a moment to show you two of the sites that we have just to make sure that everybody understands the actual scope of the setbacks that we're talking about.

The first site I will use as an example is the one at the middle left of the screen – now it's in the center – Bathurst and Elu Inlet. By and large, I guess the message I want to convey is that the key bird habitat sites, although they look very large and very scary on maps, they're not actually nearly as prohibitive as they seem to be. This, for example, is one of the "protected sites." The only thing that is prohibited in this site is oil and gas exploration, and there are setbacks that you can't see in here. But the setbacks that relate to this site, for example, are for sea duck that is common eider nesting islands. These are little islets that are sprinkled throughout this site, and the setbacks of several hundred meters actually apply to each of these little tiny islands within. So the vast majority of this site has no setbacks related to it, and there are no prohibitions on shipping through this area either. That is one example.

The other one I would turn to is over on Baffin Island, and that is Buchan Gulf, which is just going to come up here in a second. There it is. This site, again, has only one prohibition associated with it, and that again, is oil and gas exploration and production. It has a setback along two distinct areas along the coastline, which are steep cliffs where seabird nesting colonies occur. Again, those setbacks are up to 500 meters off shore. I would also note that this setback, like the one in the previous example, is seasonal. It's only from the period of roughly June to the end of August when the seabirds are actually present.

These are some of the things that we have been discussing with the Regional Inuit Associations. At some point in due course, when we are both able – or all of us are able – to take this back to our senior management for discussion, we will be sending letters to the Planning Commission describing how we've been able to narrow our issues down to, probably by the time we're done, a handful of sites. Thank you.

David: Thank you, Vicky. Miguel.

Miguel: Thank you, David. Miguel from NTI. Thank you, Vicky and Bruce. It was great to be able to sit down and do a one-on-one with the Government of Canada in this regard. I think we made some great progress in terms of NTI lands. I don't want to speak necessarily to the RIAs. I'd rather they spoke on this issue themselves. That's not to say we don't have concerns about NPC created Protected Areas sidestepping the IIBAs. I think that should still be on our radar, but for the time being, when we look up really close at these issues, it seems that we can resolve them. When we step back, all of a sudden it's a problem, so I'm not quite sure where we want to settle on that, but I think it looks really promising. I don't think we have to be too concerned about this from our perspective at this time. Thank you.

David: If I can make a recommendation: Look up real close.

*(Laughter)*

Sophia? Jackie? Ema? Stephane?

Stephane: Stephane Robert from Chamber of Mines. If we go with #1, I'm a little bit confused. We say NPC will determine if the setbacks are met, so what are the setbacks and where will we find the setbacks? That is not clear to me. And who will define these setbacks, because I don't see where they are in the Plan and where they will be. I don't know. So if NPC has to determine during a conformity, we need to know what the setbacks are and where they are.

David: So, Vicky and then the Commission.

Vicky: Vicky Johnston, Environment Canada. Stephane, in the Draft Land Use Plan, I believe it's Table 2 in the existing Plan. It's a table that maybe at the break I could walk through it with you. It provides setbacks according to each individual site and the type of bird species that is there. It's very specific to specific sites, and it is based on actual studies and surveys that have been completed on each site. So I'd invite you to just take a moment with me at break, and I'll walk you through it.

David: Thanks, Vicky. Jonathan, anything to add?

Jonathan: Yeah, just a question, I guess, to Environment Canada just to confirm that the provision of the more detailed spatial information, if that's going to be able to be provided consistent with the timelines that we've been discussing previously?

Bruce: Thanks, it's Bruce MacDonald with Environment and Climate Change Canada. We sure hope so, but we're going to definitely pull out the stops to get it to you, absolutely.

David: Thanks Bruce. Denise? Nothing? Luis?

Luis: Thank you, Luis Manzo, Kivalliq Inuit Association. Yeah, we had a discussion with CWS and we request - even though we hear them - we request a formal memo with the proposition in terms of the extension of the key habitats, a rationale, and the setbacks adjoined to it to be in written form. We want to wait for that until KIA makes a determination on this regard. I still have the question what those setbacks will be and Option 1. While we were discussing with CWS, they mentioned this, but probably I think those setbacks there will probably for the regulatory agencies rather than NPC. In this case, it would be CWS, or make some recommendation which kind of setbacks will be for those areas, because that's what we expect to see from them in the memo. I don't have that yet. Thanks. So I pass on this until I have the information from CWS.

David: Okay, anybody on the phone? Luigi?

Luigi: Yes, Luigi Torretti, Kitikmeot Inuit Association. We have had some very good discussions with Environment Canada and CWS. I appreciate the ability to sit down face-to-face and deal with some of the concerns that we have. And there has been progress. We're a little bit more confident with this particular topic. We would certainly like to see what the final proposal is going to look like before we make a final judgment on it. But on this particular case, we're confident that it's progressing. The discussion we had earlier indicates that there is still a little bit of work to be done on other things. That's the 6 inches that Vicky was talking about.

David: Alright. Rosanne, can I ask you if you have any comments?

Rosanne: It would be similar to what Luigi said. We also had a good teleconference with CWS this week, and we're working with them to get a joint submission to the Planning Commission on any changes that happen to any migratory bird – key bird habitat area. So I think we'll just have to follow-up with you, with the Planning Commission on that one.

David: Great, thanks. Anybody else on the phone who has a comment or a concern?

*(No response)*

Silence is eloquent. I've got to congratulate you guys. It was one of those thorny issues that I think you're making – it sounds like anyhow – enormous progress on. So well done. I hope it continues and concludes successfully in time for the redline version, and maybe even prior to the caribou workshop. Any comments from the Commission? Good.

The last one, I'm going to suggest – I'll leave it up to the group – but I'm going to suggest that this be the last one for today: the National Park and the Bluenose Lake area. I'll turn it over to Jonathan or Peter to introduce it and then Miguel is on the line, and we can have that discussion.

*(Laughter with several voices crying out "Luigi!")*

David: Sorry. I need a break right now.

Peter: Thanks, Peter Scholz, NPC. The polygon you see in front of you – I'm on page 10, Item 6 of our note. This Protected Area was established to protect a proposed expansion to Tuktut Nogait National Park some time ago. It's highly restrictive to all industrial development. We have received requests to remove it and re-designate it as Mixed Use. There is post-calving habitat in the area and some calving habitat, so any decisions made for calving and post-calving would apply to portions of this polygon, mainly in the southern half of it.

The two options are removing the PA designation and replacing it with Mixed Use. Number 2, consider leaving as-is if Government of Canada is still intent on this National Park expansion, which we will leave for KIA and GoC to comment on.

David: Thanks, Peter. Spencer?

Spencer: Hi, I'm going to defer this to Alain Joseph of Parks Canada.

David: Alain?

Alain: Hi, Al Joseph from Parks Canada. Thanks, Spencer. Just as a very quick background: the Parks Canada agency was interested in expanding Tuktut Nogait National Park into this area to protect a few specific values, including caribou habitat, the headwaters of rivers that extend into that area, as well as coastal representation for that ecosystem. Selfishly, for visitor experience purposes, we were also interested in having access to Bluenose Lake itself so we could offer something for visitors in the future.

We recognize that at the time that the boundaries were determined for this polygon, and when the withdrawal was originally put in place, this was done before the NLCA and without Inuit voice

at the table. It was done following two mineral energy resource assessments that were done for that area, so the boundary was agreed upon using that information mainly.

Of course, I would never come to the table – Parks Canada would never come to the table – and say that it doesn't want to create a park.

*(Laughter)*

A park, a protected area of that nature – a regulated protected area – is always a more certain approach for protecting values like caribou habitat. But in the absence of support from the Kitikmeot Inuit Association and the community of Kugluktuk, we would consider removing the withdrawal and deferring protection to another means, perhaps whatever is decided at the caribou workshop.

Alternatively, we could provide a more refined boundary that specifically protects the values that we're looking at, and that would reduce the area of that polygon. But we would only entertain that option if the Kitikmeot Inuit Association and the community of Kugluktuk want to have that discussion.

As usual, and for areas beyond this polygon, Parks Canada remains willing to discuss the creation of any new regulated protected area. We're happy to enter into those discussions, whether it be for a national park, a national historic site, or national marine conservation areas with any community or Regional Inuit Association. Thanks.

David: Thank you, Alaine. Just before I go on to NTI and KIA, an historical reference way back when: I had some role in the initial withdrawal, and there was KIA participation in that and KIA support for it. However, that waned pretty dramatically over time. So initially there was, but clearly now that's not the case. Miguel?

Miguel: Thank you, David. With certainty, I'll defer this issue to Luigi, so if you can let him speak now, that would be great.

David: With certainty, I will pronounce his name Luigi and call on him to engage in the conversation.

Luigi: Thank you, Mr. Chair. Luigi Torretti, Kitikmeot Inuit Association. You are correct. The KIA was actually quite at the table and in favor of looking at the possibility of establishing a national park there. We signed an agreement. Parks Canada requested a five-year time frame to do some studies. We signed that agreement. Unfortunately, nothing was done in that 5-year timeframe. They came back to us and asked for a 3-year extension. Hesitantly, we did so in that extension as well, hoping that there would be a change and there would be action on the file.

They came back to us, I believe it was a couple of years ago and asked for another extension. Essentially, our decision makers thought that if nothing has been done in the last 8 years, it is unlikely that anything will be done in the near future. I understand that in government the bearing of the wheels turn very slowly, but to us, it was a little bit too long a period to wait. So we withdrew our support for the park, and here we stand now. In fact, we've sent the letter to Parks Canada, a copy of which was also sent to AANDC at the time – INAC now I guess. Spencer Dewar was actually the recipient. I think he can confirm receiving that letter from me, or via me.

So, no, we do not support continued progress forward on this polygon. We are happy to hear that Parks Canada would be willing to engage in discussions of other areas, and one of the area that the KIA has put forward was the Hiukitak River on the southeast end of Bathurst Inlet. That was an area that was put forward as a Community Area of Interest. If you wish to engage in some discussions, I think that KIA would be interested in that. I made that proposal quite a number of years ago in Iqaluit, and there was some hesitation at that time. I made the proposal again at a few other meetings, but I'm glad to hear that there is still a willingness, although I have to admit, we wish to see the file progress more quickly than this Bluenose scenario.

David: Thanks, Luigi. That's pretty clear. Comments around the table? Jackie? Ema? Stephane? GN? Please.

Brandon: Brandon from WWF Canada. I think you alluded to it, but just to make it clear. If 57 goes away then 47 beside it would be extended as far as it needs to be?

David: Peter?

Peter: Yes and no. Forty-seven is an amalgam of calving and post-calving areas, so depending on the approach, it sounds like calving and post-calving will be treated slightly differently, so 47 would be split into its constituent parts and appropriately each constituent part would be extended appropriately.

David: Okay, Luis, any comment?

Luis: Luis, Kivalliq Inuit Association. I think Luigi said it all and it's under their Board's direction. Thanks.

David: Thank you. Any comments from others on the phone?

*(No response)*

So we are kind of at the end of today's schedule I think. I think we've covered everything that we were supposed to cover today. How do people feel? Do you want to continue on?

Luigi: Mr. Chair?

David: Yeah, go ahead.

Luigi: Mr. Chair, this is Luigi Torretti, KIA. I guess I'm at a little bit of a loss. Should I be jumping up and down in terms of the elimination of 58, or can I indicate that to my Board and other decision-makers? Where are we at with that proposed park?

David: I'll turn to NPC, but if I was to summarize it, I'd say you can jump up and down in a happy way. Peter?

Peter: Peter Scholz, NPC. It appears there is consensus between KIA and GoC and other parties are interested, so NPC will take those into consideration.

David: Do I hear happy jumping noises, Miguel?

Luigi: Luigi.

*(Laughter)*

I will reserve my jumping for a little while longer.

David: Yeah, I really have to take a break folks, so whatever you guys want to do, go ahead. I'm feeling kind of done here. Jeez. You can edit that part out, I think, eh?

I'm thinking it has been a long day. Unless people really want to move into the IQ stuff, let's park it for today. There are some bilateral discussions that might benefit from a little extra time, and I'd propose we resume again tomorrow morning at 9:00. I'm not seeing any objections to that or hearing any.

The other thing I guess I can suggest is that we'll be done by Thursday I think. The meeting itself, at least, will be done by Thursday. I don't know that we'll be going into Friday. I think we can get the rest of the agenda done, and I suspect we can get the caribou workshop agenda done all by the end of Thursday. Jackie.

Jackie: Hi there, sorry. Just a technical question: When you say, Thursday what time do you mean? And the reason I ask is that flights to Iqaluit are Thursday afternoon. If not, we have to wait to Sunday, so I just wanted to ask that.

David: Yeah, it's a bit of a stretch, but I'm reasonably optimistic that we can be done, say noon Thursday. Brian?

Brian: Thank you, David. Just a quick comment: We're going to discuss it in a little more detail later on tonight, but one of the things we're thinking of is to continue discussions on caribou sometime Thursday after we go through the agenda, so we can slow down on what Thursday might look like. Qujannamiik.

David: Well, let's really make a decision then by the end of tomorrow as to when the meeting, when most of the folks here can leave. Then we'll go from there. Denise?

Denise: Hi, Denise with the GN. Just to play devil's advocate, what about going for another hour today, if there's anything else anyone wants to talk about? It's just an option.

David: Yeah, thanks for that suggestion.

*(Laughter)*

You guys can carry on. As I said, I think I'm a little fried. No, seriously, if people want to spend another hour, I'm okay with that too. I'll just try to keep the names straight.

So the item that I would suggest we take on in the balance of the afternoon would be Item 13, IQ incorporation into community and values, and Areas of Interest. If people have an appetite for that, we'll take a short break and resume. Has anybody got any objections to continuing?

Vicky: Vicky, Environment Canada. Not to continuing. I just wonder if we could pick a topic that we're pretty sure we would get through in an hour – like accessory uses – or wait, what is the last one? Overlapping designation maybe?

David: Okay, why don't I suggest that we take a short break and let the NPC decide which one they'd prefer to follow-up on, and then we'll go from there? So, in 10-15 minutes, we'll resume. And what meeting is this after all?

### BREAK

*(Audio switched to Inuktitut – no English recording. The following italicized is an approximation)*

## IQ INCORPORATION

David: *We're going to proceed with Item #13, but we're only going to go as far as 4:00. If we don't get through it all, we will pick it up tomorrow morning, because at 4:00 a number of people have indicated that they would like to get together for some bilateral meetings and caucusing and so one. So, I'll turn it over to the Planning Commission to take us through this item. Peter?*

Peter: *Thank you, Peter Scholz, Nunavut Planning Commission. We're on Item 13 starting on page 22. This topic sort of melds two inter-related topics: Inuit Qaujimagatuqangit and Communities Priorities and Values, which are based on IQ. So we are melding those two because they are interwoven, but one is more process oriented and one is more geographically oriented.*

*In the current Draft Plan, it says during consultations, communities identified numerous priorities that have been taken into account in all areas considered in this Plan. The Commission believes that further consideration of these priorities and values in the regulatory process will enhance decision making and support communities.*

*We were provided with a list of the areas that are protected on the basis of community input, and they include Hiukitak River, Duke of York Bay, Foxe Basin, Moffett Inlet, Nettilling Lake, and Walrus Island. In the Draft Plan, high levels of protection are shown with restrictions on most individual developments in those areas. In addition to these areas, there is direction to regulatory authorities to mitigate impacts to communities on land uses in these areas.*

*The Commission received a lot of input from parties, which you can see on pages 22 to 24. HTOs provided a great deal of information, and that pink area on the map includes South Melville Peninsula was suggested by the HTO. The Aqigiq HTO suggested other areas. The KWB indicated they would like fresh water crossings protected on basis of IQ. Oceans North based out of Vancouver suggested IQ from the Baffin plan be incorporated.*

*There are four options that are not exclusive options. They are four separate things that can be done and are not exclusive. Option 1 is to consider including additional Community Areas of Interest as Protected Areas. This can include large polygons, or many small ones.*

*Option 2 would be to consider including specific land use conditions regarding Community Priorities and Values. Just because it's a Community Area of Interest does not mean it has to be a Protected Area with high restrictions. It could be different in light of the communities and RIAs of what would be appropriate.*

*Option 3 is to consider including better definitions for IQ and statements on Inuit values in the Land Use Plan. Also consider including in the O&R document a section detailing how past consultations have contributed to the Land Use Plan. A formal definition for IQ could be placed in the Land Use Plan with statements on Inuit values in the Plan – melding IQ in a modern legal context. I realize that's a square peg in a round hole, but both are working through stewardship. Future amendments will improve this. We have also thought about including this in the O&R document where it will go over the rationale of why.*

*Option 4 is to consider including a requirement in the Draft Land Use Plan for all land users to agree to a Code of Good Conduct, similar to that in the North Baffin and Kivalliq Land Use Plans. As part of the conformity review, proponents are asked to sign documents of a Code of Good Conduct before conformity determination is issued. Proponents agree to adhere to stewardship principles or actions.*

*David: Thanks Peter. So just to be clear, you said that all of these, or some of these, or none of these are possible to be included? What you're looking for is feedback on all, none, or some and the recommendations from the group as to which and how you might pursue? Spencer?*

*Spencer: Thanks. Spencer Dewar, Government of Canada. We recognize the importance of this topic, but we're going to refer back. We need more information on what these were. We have to see it, so in areas where the geospatial or Community Areas of Interest exist, we need to see something tangible. We can't commit either way.*

*David: Do you have any serious objections in principle to any of the four? They all seem kind of reasonable.*

*Spencer: Yes, they can be reasonable, and they can also go too far. We can't weigh in on this at this time.*

*David: Okay, Ken?*

*Ken: Option 4 is one where until you see it, you don't know if it's a good idea. In concept, it raises challenges. If those were noble in advance, they should be incorporated in the Plan. They are not incorporated, so to have a conformity requirement but not to know what those things are, that's what raises concerns. That's different than other ones directly in the Plan.*

*David: If the wording was extracted directly from an existing Land Use Plan and transported – existing plans have been approved by all governments. Spencer?*

*Spencer: Spencer Dewar. I'm not confident they haven't been problematic in some respect.*

*Miguel: In general, the first should be broken out into more than just including additional Community Areas of interest as Protected Areas. For the first point, we would request more time to look at these additional areas, since they are new to us. For Protected Areas, in general, we would like to see more community consultation on each of these to get any kind of prohibition going for Community Areas of Interest. We support Option 3 definitely. That can be found in community consultations. More about Inuit values could be gathered at those consultations. I'll pass it to RIAs at this point.*

*David: What about Option 4?*

*Miguel: I can't respond to that. I can say personally but I can't speak for the group.*

*Naida: It's not one we've discussed.*

*David: Vicky?*

*Vicky: I have a question. Is a Code of Conduct enforceable under NUPPAA?*

*David: My knee jerk reaction is no but I'm not a planner. NPC?*

*Brian: I'll defer that question to Alan.*

*David: Sophia?*

*Sophia: Thank you, Sophia with the Nunavut Impact Review Board. I'm not sure if helps, but we do include it in screening reports when we issue to proponents.*

*David: Thanks, Sophia. Ken?*

*Ken: Ken Landa, Justice of Canada. To give context, NIRB screening is not binding, so a Code of Conduct would not be binding.*

*David: Alan?*

*Alan: A Code of Conduct – at home it's obligatory and therefore binding. A Code of Conduct does not have force of regulation or legislation. It's not a binding obligation for which failure would place you actionable by the Commission or the regulatory authorities who sometimes refer to it.*

*David: So to summarize, it's a statement of good intent. Warren.*

*Warren: Thank you very much. Warren Bernauer, Kivalliq Wildlife Board. I have to discuss all four options with the others, but a combination of all four have promise, unless 4 is not actionable. Option 1 with Protected Areas: Some may lend themselves more of a Special Management Area. From the KWB's standpoint, we support the HTO positions. However, we're going to be holding a conference call in the coming weeks in which issues raised by the HTO are priority issues for the region as a whole. We'll provide further recommendations in written submissions in coming weeks. Beyond that I can't say which ones should be Special Management Areas or Protected Areas.*

*On Option 2, I think we can get into more nuts and bolts for some of these areas. (Examples provided.) We can put more specifics on how land use conditions could protect these values. With Option 3, I believe having a clearer definition of IQ and values would be valuable for the final draft of this Plan for sure. Another topic discussed is what has been left behind from the Keewatin plan and the North Baffin Plan. There were statements about caribou calving and caribou that don't take a zoning approach, but stating the need to protect them. Some could be helpful in addition to zones.*

*David: Thank you, Warren. Jackie?*

*Jackie: Hi, Jackie from QWB. I'll speak to the reference of Foxe Basin and Moffett Inlet mentioned in this section. From the discussion on polar bears and walruses, QWB would be in support of having Foxe Basin and Moffett Inlet as Community Areas of Interest. There are many not represented in this Plan yet. It was mentioned by KWB in one of the Technical Meetings.*

*This question of incorporation of IQ and Community Areas of Interest will provide this Land Use Plan and this process with the greatest testing in thinking about the public hearing process and imagining the HTO representatives that will be part of the community delegation. This is an area that they will focus on. If you have five people from all the communities, the dynamic in the public hearing will be different than these Technical Meetings.*

*Incorporating IQ and Community Areas of Interest - they are both procedural questions. How do we at QWB support communities and ensure they have the space to talk about this in the timeframe - procedural and substantial information as well collecting information in the future. This is a big deal. It's important for the record that this will have the biggest impact, and community voices will change the tone of the discussions we have had to date.*

*So with the options provided, more Community Areas of Interest for whatever designation is something QWB would support. How do we do this in time for public hearing and for future reviews? How do we organize and collect information for communities to bring concerns forward?*

*With regard to the need for specific land use conditions for Community Priorities and Values – I agree 100%. It could take different forms for different areas, but the willingness to be open is essential. After approval, public participation is only going to grow. IQ incorporation will determine the level of that participation. For RIAs and community members, I can't underscore that enough. How can we best ensure an effective process so community voices are heard and partners at the table have the information to make better decisions? The responsibility is on us to create due process. In talking about Options 3 and 4 – yes I think having better definitions are always helpful. If Option 4 won't do much, then why have it in the Plan?*

*David: Thank you, Jackie. GN?*

*Amy: Amy with the GN. We want to reiterate this is a major issue for special consideration by the Nunavut Planning Commission. Similar to Government of Canada, we would require more information for these options. We would support the latter part of Option 3. The GN has requested this information before.*

David: *Brandon?*

Brandon: *Brandon with WWF. I want to clarify with Government of Canada if their position for Foxe Basin and Moffett Inlet are to remove restrictions on shipping and what their position would be if communities requested shipping restrictions? This can wait till tomorrow.*

David: *Spencer?*

Spencer: *We will defer that until tomorrow when Dale is here from Transport Canada.*

David: *We will pick it up again tomorrow morning. Luis?*

Luis: *Special Management Areas with some sort of restrictions or setbacks in those areas... But I was expecting more clear definitions in the options to better inform, and to consider Coral Harbour in this. We need to consult with Coral Harbour, because it's a sensitive community and they need to go over the options. At this point, it's just restrictions. I don't think Coral Harbour will be very happy with restrictions. IQ and flexibility for Inuit to make decisions – it should be flexible. Proponents don't use those areas anyway for mineral exploration. You can see in the records there are no activities in those areas. On the other hand, we also have intentions in the certain areas, and we share those with NPC and see if they fit. I'll wait for this one until I have community consensus. Thank you.*

David: *Thanks, Luis. Luigi, you have anything to add?*

Luigi: *I'll state my points here because my wife is on duty and I have responsibility of three kids right now. The Hiukitak River is a Protected Area and Community Area of Interest - there was board directives. We submitted it as a Protected Area for conservation purposes. We don't see all Community Areas of Interest would fall under that category, however. It's important to be flexible. When decisions are made in one direction, we have to weigh the loss of choice on moving in a different direction. We have to be aware of what we are getting versus possible loss in the future. KitIA would want to be engaged in community discussions for Community Areas of Interest. Miguel summed it up well. In terms of Option 2, certainly. If communities have certain land use conditions to apply with a caveat that I just mentioned, if the RIAs are involved in that discussion and are aware of the pluses and minuses, that's fine. With Option 3, clearer definitions are always a positive. No concerns about that. Option 4 I cannot really say that I'm familiar with either the North Baffin or the Kivalliq. I can't really speak to that, but obviously in terms of enforceability, that can potentially be a problem.*

David: *Thanks, Miguel. I guess for.....*

*(Laughter)*

Luigi: *It's Luigi. Miguel and Luigi, we are not the same.*

*(Laughter)*

David: *You guys are interchangeable. Just get over it.*

Luigi: *He's also a lot prettier than I am.*

David: *And he's probably a lot smarter than I am.*

*(Laughter)*

Rosanne?

Rosanne: *Thanks David. I can probably continue on this tomorrow but I wanted to bring up that I definitely agree with Option 3 for better definitions. But what's important for us is explaining to communities about how the consultations have contributed to the Land Use Plan. How do the prohibitions or designations come from the communities? How did one come from the other? It would be helpful to explain that when going to the communities and for our knowledge.*

*The other question is if we ask each community if they had a Community Area of Interest, something would come up. How would you include that in the Plan? If we are going into certain communities to discuss the Land Use Plan and these areas come up even during the public hearing, then what process or what mechanism exists to include these areas in the Land Use Plan? Maybe we can touch on this tomorrow.*

David: *Thanks, Rosanne. We'll pick up the conversation tomorrow. The revised timelines are firm whether or not the caribou workshop proceeds. We'll get a clean version of that up and distributed. Brian?*

Brian: *The revised timelines are on the screen, and we will email this version.*

David: *Great, thanks. We'll break for now and be back at 9:00 tomorrow, and earlier if possible. Thanks.*

## **ADJOURNED FOR THE DAY**

### **DAY 3 JANUARY 20, 2016**

David: I'll ask people to sign in on the phone, and then we'll get started.

Peter: Peter Lansdown, QIA

Rosanne: Rosanne D'Ozario, QIA

Alan: On a procedural point, today is Wednesday, so that would mean it's David Livingstone's birthday.

*(Happy Birthday song was sung)*

David: That was embarrassing. And I'm what? 55 again?

Good morning, a good windy morning. I thought I'd go over quickly some of the highlights from yesterday and then Leslie has a question about the timelines. We'll get to that. I don't know if NPC has an update on the caribou workshop timing, but we'll get to that when we can. Then we'll resume the discussion on IQ.

As I recall yesterday, we had a lot of discussion about timelines, and the new timelines are on the screen there. As I just mentioned, Leslie has a question about the May 16 date, and I'll let her explain that. Bottom line is that while timelines have shifted in some cases, the endpoint is firm, and probably the prehearing workshop is firm as well in terms of timing. That's an in-person workshop.

We had a lot of discussion about a caribou workshop. The commitment to hold a caribou workshop is there, but it's subject to developing an agenda by the end of this week, and then figuring out a date. NPC has heard everybody's comments about timing, and it will make the call. The draft agenda that was developed last August was sent out by Peter last night or yesterday afternoon. NPC is looking for comments on that agenda – track changes or general comments, or whatever. We'll update the status of that this afternoon and tomorrow, and then by Friday we do need a new draft.

We talked about migratory bird setbacks. While it is not concluded, the discussions between CWS, NTI, and the Regional Inuit Organizations are going very well. I think the progress being made is commendable. There's a commitment to get the final results– the final work done – as soon as possible and the results in to the Planning Commission as soon as possible.

Bluenose East Park: I guess that's as clear a consensus I've seen in the three or four workshops and meetings that I've attended. The zoning as a Protected Area will be removed, and zoning according to caribou use will be developed. That's the intent at least.

Conservation areas and heritage rivers: a lot of discussion. I think there was no resolution to those items. One of the key challenges on the conservation area front is to distinguish between legislative protected areas and those areas that are identified as Protected Areas in the Land Use Plan, and perhaps re-label them as Conservation Areas. The recognition of the designation of the Coppermine River as a Heritage River was also not resolved. There is further discussion required there.

Equal Use and Occupancy: No resolution, but good progress I think reported in the discussions between NTI, QIA and Makivik. So we'll hope for more information and perhaps resolution that can be provided to the Planning Commission soon.

Community Drinking Water Supplies: I don't think there was resolution necessarily, but there was certainly a commitment, I heard, to develop better mapping and continue to work on constraints for activities within drinking water supply watersheds.

DND sites: It seemed to me that there was kind of a centering around a variant of Option 1 and continuing to work in that direction, but no resolution. There was a commitment, I think, to include the JSRF in the maps.

Contaminated sites: Again I didn't necessarily hear a consensus, but there was kind of an agreement on the floor that they would be dealt with in a similar way to the DND sites, whatever that way happens to be – Option 3, Option 2, whichever.

Finally, according to my quick sketch of notes here, IQ: We concluded the afternoon with an incomplete discussion of IQ, and Jackie was very articulate in emphasizing the importance of IQ in the Land Use Plan and making sure that the values and the visions and the recommendations of communities are adequately captured in the Land Use Plan, adequately described, and better definitions were also recommended. Any comments on that? Ken?

Ken: Ken Landa, Justice Canada. Just on the DND sites, as you were going through that, I think you mentioned Option 1. Just to clarify the confusion, I think Option 1 is something that we're still trying to move off from DND's perspective, because it starts with prohibiting things and then removes the prohibitions through minor variance. So yes, on everything you said about the progress, but that's a little bit different from Option 1.

David: Yeah, what I said was that some variant of Option 1, but I may have been overly optimistic on that point too. Any other comments, concerns?

Spencer: Spencer Dewar, Government of Canada. There is a meeting that we're scheduling in the future that is supposed to be in person only. I'm just wondering what the rationale is to why we couldn't have teleconference capabilities?

David: That's on the prehearing conference? I'll turn it over to Brian on that one.

Brian: Thank you. I'd like Alan to respond to that question please. Thank you.

Alan: Thank you, Brian and thanks for the question, Spencer. There's not a hard reason or a particularly firm reason for that other than roundtable discussions or in-person discussions I find are more effective at getting the message across. The Government of Canada will certainly be represented in person, though perhaps not every department. And by the time we're getting to August, a couple of months before the public hearing, it's probably going to be the nature of working out the process in the hearing that face-to-face meetings are useful. So this meeting we're in right now, the notice said "in-person" if anybody read it. Yet, we've accommodated people by telephone, in part, because it's the middle of winter and it was somewhat short notice. So, at present, it's intended to be an in-person meeting on process so people can sit around the table and work out the details. But you know, nothing is written in stone. Thank you.

Spencer: Thank you.

David: Okay, Leslie, do you want to raise your question, concern now?

Leslie: Thanks. Leslie Wakelyn, BQ Caribou Management Board. My question was about the May 16<sup>th</sup> date. It's among other dates that have been shifted. Therefore, we would get the refined

document one day and then be expected to submit expert reports the next day. So my question was if that was intended to be changed to June 16<sup>th</sup>, because that was shifted four weeks or two weeks, or whatever. But from our Board's perspective, we would want to see what was in the refined document before we would know what our expert comments should be focusing on. Thanks.

David: Thanks, Leslie.

Brian: I'll have Alan respond to that as well.

Alan: Alan Blair, Legal Counsel, NPC. Thanks for the question, Leslie. It could shift. You'll note that what we were trying to do was to make sure there was an adequate window between any new expert reports that people haven't seen, and a response to expert reports. We've got about a 3-month window built in between May and August for the rebuttals. But your point is well taken. The end date is not moving, so if you move the expert reports a month, then people's rebuttal time has just shortened by a month, because August is not moving. Everybody has to have all reports by August.

I don't see any reason why we couldn't shift the May 16<sup>th</sup> expert report one month, but everybody understands that rebuttal reports are now a two-month window instead of a three-month window. That could perhaps be discussed, but it seems reasonable to give people more than a day to look at the redline and to produce a report.

David: Government of Canada, any thoughts on this?

Ken: Ken Landa, Justice Canada. Alan what you said sounds reasonable and necessary. A compressed rebuttal time is better than literally – or almost literally – zero time to produce the expert report in the first place.

David: Does the real Miguel have a comment?

*(Laughter)*

Miguel: *(Speaking with accent)*: This Luis Manzo from KIA.

*(Laughter)*

I agree with what Ken just said. However, as you're probably aware, the NPC is aware we're still awaiting some response from my people about timelines, which I have not yet received. So I'll leave it at that.

David: Sophia? Bruce? Warren?

Warren: Thank you. Warren Bernauer for the Kivalliq Wildlife Board. Yeah, we agree that moving the deadline for expert reports would probably be a good idea and a condensed time for a response to those reports. We could deal with that. Thank you.

David: Maybe just to shorten things, I'll ask if anybody's got any objections or concerns about moving it a month. No? Anybody on the phone have any concerns about shifting the expert report date?

Deborah: Deborah Boshaw with DFO. Could you clarify what that date would be? Thank you.

David: It would now be June 16<sup>th</sup> rather than May 16<sup>th</sup> for the initial submission of expert reports, and then the August date would remain firm. So you'd have two months to review others' expert reports and respond.

Deborah: Thank you.

David: Well, we'll leave it to the NPC, but it seems fairly clear that moving the initial submission for expert reports a month is not problematic and should be helpful. Okay, let's pick up any discussion that we shortchanged yesterday on the IQ incorporation, including Community Priorities and Values and Community Areas of Interest. Is there anybody on the phone or in the room that has any additional comment or observations on this particular topic? As I said, I think Jackie kind of said it for everybody. Leslie?

Leslie: Thanks. I missed a lot of the discussion. I apologize for that. I had another meeting. I just wanted to emphasize from our Board's point of view that of course, we think that having community values and input in the Land Use Plan is essential. But specifically in terms of caribou habitat, there are some areas where communities know a lot more than anybody else probably. So those things should certainly be focused on.

What I would highlight, I guess, is water crossings for one thing. There is some so-called scientific information documented in the past, and there would be satellite collar information that could be added to the mix. But a lot of the time it's the communities that know best what are key water crossings for caribou, because they know the most about where the caribou are.

Then I would just cite, too, that the expectations shouldn't be that communities...Communities know a lot about all caribou habitats and which areas are and aren't used, because sometimes they're just not using those areas, so for instance calving grounds. Calving grounds sometimes they don't know as much about, so there shouldn't be an expectation that they know a lot about every single caribou habitat. Why I'm saying that is because sometimes I talk to people who feel like they're perhaps badgered a little bit in interviews being asked about things that they just wouldn't know about. So I would say that we should focus on the things that people are more likely to know about and get the really good information from the caribou habitat point of view.

I'd also like to apologize that I've got a cold now, so I'm a bit croaky today. I'll try to hang in here and hopefully won't pass it around to everyone. Thanks.

David: If you need drugs, Leslie, I've got a ton of them.

*(Laughter)*

All legal. Luis did you have a comment?

Luis: I have a comment exactly in the areas we have on the screen right now – the conservation areas that we consider Special Management Areas, Inuit interest locations. I need to know what the legislation for shipping is, because if it became conservation areas, we need to look at the shipping component to Repulse Bay. I think it's going to have some sort of a conflict and for fuel delivery and things like that to Repulse. Transport Canada I believe is here, and they probably can tell us better, because they are the experts. Thanks.

David: Yeah, and we'll get into the marine transportation discussion shortly. Any other comments on IQ and community values and so on? Just a personal comment or a personal observation I guess: It would make the Land Use Plan rather odd if it doesn't adequately reflect the values of the residents of Nunavut. It seems to me to be a fundamental principle. The devil is in the details as usual. I think the acknowledgement, the endorsement, of ensuring that to the best extent possible in this first generation Land Use Plan, that the Land Use Plan itself reflect to the extent possible community values, is fundamental. So let's take a look at the agenda.

Rosanne: Hi, this is Rosanne from QIA. Sorry, would it be worth me repeating the question I had from yesterday at the end of the day about this?

David: Please. Yeah, go ahead Rosanne.

Rosanne: I don't think the Planning Commission has responded to a lot of the questions that were put forward yesterday at the end of the day. We said we were going to continue this morning.

David: By all means. Re-ask, and we'll go from there.

Rosanne: Okay, thanks. I didn't mention a lot, because as you said, I think Jackie from the QWB definitely touched on a lot of important aspects when it comes to incorporating IQ. But I wanted to reiterate that it would be really helpful – for us and for everybody – if there was a section that outlined how the feedback from communities and consultations have contributed to the Land Use Plan and how that was incorporated into the decisions. Because as we go back into the communities, I'm trying to go back through the reports, and there isn't a clear linkage necessarily of how the feedback from the communities led to the certain prohibitions that apply in the Land Use Plan. Certainly the version of the Land Use Plan that was used in a lot of the consultations is not the same version as what we're looking at right now. So I'm not sure how the Planning Commission would see about providing this detail or providing this explanation as to how the consultations and feedback have been incorporated into the Plan.

The other question I had was if we do go into communities or if communities do have feedback on Areas of Interest – because in our region I believe there's only two Community Areas of Interest out of the 13 communities – and if given the opportunity, most communities will definitely have Areas of Interest that they would like to identify. So what process exists if we get this feedback from communities or if they bring it to the final hearing, to incorporate it into the Plan?

David: Thanks, Rosanne. Planning Commission, do you have anything? Brian?

Brian: On the first question, that is something we will consider as we start finalizing the redline version of the Draft Plan. The second question in terms of incorporating the proposed, I guess revisits to some of the communities, that will be a decision made by the Commissioners, not staff. We can't

decide that here now. It would be considered by the Commissioners during the public hearing. Qujannamiik.

David: Rosanne, any follow-up?

Rosanne: Sorry, for some reason whenever Brian speaks, I can't...it gets really muffled. I didn't actually hear his answer.

David: I'll ask Brian to pull the mike a little closer and repeat.

Brian: Thank you, David. Brian, NPC. The first question, we will definitely consider adding that section into the redline version. The second question is something that we cannot respond to or answer. It will be up to the Commissioners to determine whether it should be incorporated after the public hearing. Qujannamiik.

David: Rosanne, were you able to hear that clearly?

Rosanne: Yeah, so from my understanding, we provide feedback, and if communities provide feedback at the final hearing...I think this question was asked yesterday as well of whether there will be another revision after that final hearing. How will we see how things are incorporated into the Plan after that final hearing?

David: Brian?

Brian: Alan clearly said it yesterday that for sure the Plan will be revised after the public hearing. We have never experienced a time where a public hearing document was a perfect plan leading up to a public hearing or after a public hearing. In terms of approach or a process on how to revise the Plan, the Claim doesn't really map out that process, so at the moment, revisions and changes to the Plan would be more closed-door discussions with the three signatory bodies and NPC. I'm sure that discussion can probably be clarified during the public hearing itself or during the in-person prehearing conference in August. Qujannamiik.

David: Yeah, the normal process would be the Commission would go behind closed doors, redraft the Plan and release it. But there may be wrinkles in that overall process. By release it, I mean release for approval. In my experience with other land use planning processes, when that plan is released, the expectation is that the signatory parties will approve it, so it will take a little finessing to ensure that the final plan released by the Commission is acceptable to all the parties, and there may be some iterations there. As Brian said, that process remains to be fully and clearly defined. Miguel?

Miguel: Miguel from NTI. Rosanne, I just want to make sure that you're question is being addressed completely. Are you also referring not only to with this final Plan and its approval but in the years going forward? Because as you say, every community is going to have areas that they want to protect, so how is it that we're going to be able to make sure that these communities are heard in future once this Plan is in place? Is that also what you were referring to, or were you just referring to this Plan? Thank you.

- Rosanne: Thanks, Miguel. At the moment, I was referring to this Plan, but I think that is a question that we – the NTI and the RIAs – have discussed as well, kind of getting further clarification on review periods and how long each review would happen, and how that would look like, and the possibility for consultation. Maybe that's a question more for near the end of the agenda about process issues or planning issues? Maybe that would be a better time to talk about that one?
- David: Okay, Brian did you want to defer? Okay. Any other comments or questions or concerns related to IQ and how community values are being dealt with process-wise and substantively? Warren.
- Warren: Thank you very much. Warren Bernauer for the Kivalliq Wildlife Board. The note under Option 3 of considering including a section detailing how past consultations have contributed to the Draft Nunavut Land Use Plan. I think that would be very helpful for us to understand how the Plan was developed. We would definitely support that course of action. Thank you.
- David: Thanks, Warren. Yep?
- Brandon: Brandon with WWF. I would just like to confirm with the DFO representative on the phone or with GoC that someone from DFO will be present for the conversation this afternoon regarding marine corridors. I had a question that I raised yesterday that I'm happy to defer to later, but I just want to make sure that DFO will be available.
- Spencer: Hi, Spencer Dewar, Government of Canada. We have Transport Canada in the room. DFO as well – Deborah signed in, yeah.
- Deborah: It's Deborah Boshaw, DFO. I will be online this afternoon as well. Thank you.
- David: Thanks, Deborah. I guess...I think we can move on. But as usual, if questions come up, if ideas come up, we can accommodate them toward the end of the agenda. Alright, on the agenda now are Items 14 and 15: Transboundary Considerations and High Mineral Potential. So I'll turn it over to the Planning Commission to start with Transboundary Considerations. Jonathan?

## **TRANSBOUNDARY CONSIDERATIONS**

- Jonathan: Thank you, David. This is Jonathan from the Planning Commission. We're now on page 25 of the Considerations Document, Section 14. The issue to be discussed is should the Plan identify priority transboundary considerations or provide more general guidance?

To summarize the 2014 Draft Plan approach, there were two different aspects. One was to identify a portion of the Great Bear Lake watershed within the Nunavut Settlement Area be assigned a Mixed Use designation, and direction to regulatory authorities provided to mitigate impacts on this area. That's illustrated on Schedule B, visible on the right screen here in the room.

Additionally, direction is given to government departments and agencies to consider requesting that the NIRB screen and review of oil and gas exploration and development, and hydroelectric development in adjacent areas for ecosystem or socioeconomic impacts on the Settlement Area. I'll just note that in a previous Technical Meeting, the NIRB provided clarification on the phrase

“screen and review.” There was a suggested improvement to that. It escapes me at the moment, but we have that noted.

Additionally, we received comments, and in particular from the Government of Nunavut. They were recommending that the transboundary considerations be expanded to include all transboundary watershed resources in the Nunavut Settlement Area. I’ll just note as well that Schedule B of the Draft Plan does identify the watersheds within the territory, but again identifies only that one priority of the Great Bear Lake watershed that had been noted for its particular significance.

Additionally, the Government of Nunavut also provided a recommendation to make a more general statement about adjacent uses being encouraged to be looked at by the Impact Review Board.

The options for consideration here are to consider providing more general guidance in the Plan regarding transboundary considerations, or to consider retaining the references to the identified priorities for considerations. So, again, these abilities exist regardless, and the Draft Plan identifies a few priorities that we’ve noted through consultations. Thanks.

David: Thanks, Jonathan. Just for clarity, the options are not mutually exclusive. Okay, so starting with Government of Canada...

Ken: Ken Landa for the Government of Canada. These options are very, very general at this point, which is very understandable, but it makes them difficult to respond to in any kind of detail. More guidance is probably not a bad thing, and I don’t want to be taken to oppose more good information, but I think the Plan needs to sit within its proper jurisdiction, and transboundary means different things. It means things in Nunavut that in the planning region that have effects outside the planning region, and outside the planning region that may have an effect inside the planning region.

Noting the ecosystemic and dynamic nature of the world, that’s a good thing. But the Plan’s jurisdiction stops at the boundaries of the planning region. It’s not clear to me at all that there should be any substantive comment on things happening outside the planning region or how those things should be reviewed or assessed. Those have their own regimes. As a general answer, more information and good information would be a good thing, but it needs to be those things that are properly in the Plan, not those things that this Plan doesn’t address and shouldn’t address.

So, an example of that would be how a project outside the Nunavut Settlement Area should be treated by other reviewing and decision making bodies, and whether the Plan should recommend to governments how they should screen, review or otherwise those in whatever planning regime. It’s not clear to me that is a proper function of the Nunavut Land Use Plan.

That’s one specific, but more generally, until we know what that more general commentary is, it’s hard to say whether it’s useful, not useful, helpful, not helpful. I’ll stop there I guess.

David: Thanks, Ken. Jonathan?

Jonathan: Yeah, thanks Ken. I think the GN provided specific recommendations on that, and they would be what we would be considering. So for example, the impact of outside to inside, they provided a recommendation and specific wording. Direction is given to government departments and agencies to consider requesting that the NIRB screen and review projects in adjacent areas for ecosystemic or socioeconomic impacts on the Settlement Area. So they made that specific recommendation to provide that general recommendation.

The Plan provides the specific case of two land uses that the Commission has heard that are of concern to residents of Nunavut. The Draft Plan flags that, and the GN is proposing to just provide the more general guidance, and we're looking for feedback on that.

David: Thanks, Jonathan. Ken?

Ken: Ken Landa, Justice Canada. I think that specific recommendation is something that GN and Canada should talk about, and then circle back to the Planning Commission on it. I didn't understand the two options and considerations there to be limited only to the feedback the Commission had got from the GN, but rather was a more general question. Should the Plan do more on transboundary issues?

David: Thanks, Ken. Miguel?

Miguel: Miguel from NTI. We'd agree with the Government of Canada's concerns, but other than that, we don't have anything to add. Thank you.

David: Sophia, any comment on the transboundary stuff? Okay, Bruce? Jackie?

Jackie: Hi there, Jackie Price, Qikiqtaaluk Wildlife Board. My comments aren't specific to the options, but just a comment for information. The Qikiqtaaluk Wildlife Board has been working closely with its inter-jurisdictional partners on a wide variety of wildlife-related issues, so just as a QWB representative, I just wanted to highlight that wildlife, and more specifically the impacts of various developments or land uses on wildlife results in conversations that happen across boundaries. Our organizations provide an important opportunity to provide real engagement for these conversations. Thank you.

David: Thanks, Jackie, and I think in particular of caribou – other migratory species as well. Maybe it's not the developments but the migratory species and water flow and that sort of thing that the transboundary considerations might focus on – not geography but species. Stephane? Denise?

Amy: Amy Robinson for the GN. We didn't anticipate this alternate interpretation that GoC has presented here, so I think it's clear that this requires further discussions with our fellow signatories, and we're just going to defer this to our legal counsel that's not present. Thanks.

David: Okay, so you mean NTI and the Government of Canada. Well, I guess whatever resolution you come to, the Commission would certainly appreciate hearing about it, sooner rather than later. Leslie, anything?

Leslie: Yes, basically to follow-up on what you said, absolutely the Caribou Management Board thinks of caribou in terms of transboundary considerations, and of course, that is one of the main purposes

of the Board is to bring jurisdictions together to talk about caribou issues that do cross boundaries.

I would say that even though there isn't a Board as such for the Bathurst herd, there is a Bathurst range planning process going on, being led by the GNWT but involving Nunavut and Nunavut communities. What happens in the Nunavut Land Use Plan absolutely will affect their range plan.

So, to back up because I'm not here to speak for the Government of Nunavut or Government of NWT, although they are a partner in our Board, we do think that caribou considerations should at least be acknowledged at the very least in the Nunavut Land Use Plan as a transboundary issue, and the watershed issue is part and parcel of that. That is caribou habitat as well as habitat for other wildlife species that are transboundary of course.

We have tried to approach NIRB in terms of EA type questions on transboundary issues, and they have basically said that their mandate is limited to Nunavut. But they have been willing to recommend cumulative effects assessments that require analysis for the whole caribou range including outside Nunavut. So my recommendation from our Board's perspective would be that the Nunavut Land Use Plan should be able to anticipate some transboundary wildlife related issues and how obviously you won't have control about land use or land use planning in other jurisdictions.

But there should be some recognition of these issues, because they are essential, both to people that harvest the caribou herds in this cases – and in particular outside of Nunavut who are affected by decisions within Nunavut – but Nunavut will also be affected by decisions made outside of Nunavut on caribou habitat. So I'd just like to see that considered. Thanks.

David: Thanks, Leslie. Just a question, Sophia: Are there not – and maybe for the Nunavut Water Board as well, though it's not here - are there not cooperation agreements with your counterparts in the NWT that sort of lay out how you're going to work together on transboundary issues?

Sophia: Sophia with NIRB. Yes, I believe there is at least an MOU in place with NIRB on how we would deal with that.

David: Okay, thanks. Luis, any comments?

Luis: Yes, I have concerns related to the potential negative impacts and social impacts between the jurisdictions of NWT and Saskatchewan. We propose some refinement and the actual propositions for NPC require more research to define exactly what the Mixed Use in high mineral potential designations should be, because it has impacts in other areas for us in the Kivalliq. If a mine is available between the boundaries, and the water runs through and out of our territory, therefore Article 20 would trigger if there were any accidents. So it's important, the water quality and all of those being incorporated as well just to clearly define those chemical and pollution from Article 20 and put us to clearly know when does it trigger and what compensation, and when do we have to file for a mineral rights.

When the assessments of minerals are actually being, or calculation of deposit is being done in those areas, it's important to define exactly those Mixed Use areas in high mineral potential areas

to avoid complications in the future. And also the conflicting of overlapping designations, they needed to be more clearly stipulated. That's just my comments for now. Thanks.

David: Thanks, Luis. That reminds me on the water issue, I don't know where the discussions are, but I know that the GNWT is intending to engage Nunavut on transboundary water issues, similar to the transboundary agreements with the intention to develop something similar to transboundary agreements between the NWT, British Columbia, Yukon, and Alberta. That may cover off some of the concerns as well. Alright, anybody on the phone who has anything to add to the discussion?

*(No response)*

A resounding silence. Alright, well I think the next item might generate a little more discussion: High Mineral Potential.

Spencer: Hi, it's Spencer Dewar, Government of Canada. Just before the meeting started, Peter asked us if we could maybe have some expertise on the line regarding this, so John Price went to try and see if anyone's available. So maybe we want to defer this topic now?

David: Alright, we can do that. How about we go to Item #17: Linear Infrastructure Corridors – Marine. Does that work for folks? The Transport Canada folks are here. Brian?

Brian: Thank you, David. Brian, NPC. We had a request from the Makivik planning body to be part of this discussion. Was it Makivik? Who was it? Can we have people confirm on the phone who they are?

David: Yeah, can we do a roll call on the phone, just have folks identify themselves, please?

Deborah: Morning, it's Deborah Boshaw, Fisheries and Oceans Canada.

Naida: Naida Gonzalez, Consultant NTI.

Dwayne: Dwayne James, Department of National Defense

Chris: Christopher Morton, Indigenous and Northern Affairs Canada

Adam: Adam Downing, Transport Canada

?Reberto? Roberto(?) Natural Resources.

Liz: Liz Kingston here with the Nunavut-NWT Chamber of Mines.

Nicole: Nicole Butler from Baffinland.

David: Okay, thank you. So where does that leave us?

Brian: The folks from the Makivik Marine Planning Body want to be part of this discussion as well, so if they're not on the phone, I'd prefer to defer to this afternoon. Thank you.

- David: How long do you think it'll take for you to get your folk on the line?
- Spencer: We're just waiting for John to come back. I think we've asked to look for a window, but we planned maybe after lunch would be best to give the geologists a chance to prepare, if they're available.
- David: Okay, so we'll defer the Marine stuff. We'll defer the High Mineral Potential for the time being. Brian?
- Brian: May I make a suggestion? Why don't we take a 5-10 minute break, and maybe we can invite Mitch Campbell, if he's available, to do a presentation on caribou while we have everyone around the table. As we know, some folks may be rushing to leave tomorrow afternoon. We've got everybody here this morning. We've got a couple of presentations we'd like to see from the GN in regards to caribou. If you're okay with that, I'd like to go ahead with it.
- David: Yeah, I'm fine with it. Mitch – is Mitch back there? You ready? Okay. Let's do that then. Let's take a 10-minute break and reconvene at 10:00. Then Mitch will do his show-and-tell.

**BREAK**

## **CARIBOU PRESENTATION BY MITCH CAMPBELL**

### **Resource Development and Caribou in Nunavut – Finding a Balance**

*(Audio switched to Inuktitut – no English audio. The following italicized is an approximation)*

- Liz: *Thank you, Liz Kingston for the Chamber of Mines. I did get the link to NWMB site, but which one are we about to view? Also, how has this suddenly become part of the agenda and not a workshop where this would be appropriate?*
- David: *The intention of showing this is to help people develop the workshop for the caribou agenda. It's a presentation made by Mitch included in the NWMB workshop that the Chamber was not invited to. We thought it would be helpful to develop a good agenda. It sets a context and provides some information to formulate an agenda. It's an opportune moment. The presentation itself is titled Resource Development and Caribou in Nunavut: Finding a Balance. We have some time right now to do that. Hopefully it will help in formulating the agenda of the workshop that will occur later. Any other questions? Mitch? He tells me it will take 30 minutes and then take questions.*
- Mitch: *Thank you. I'll try to get through this as quickly as I can and use it more as a review. The presentation as not designed to go into a deep debate but to present a broad stroke overview. The complexities that tend to get missed are actually a lot more complex than we're led to believe. Caribou in Nunavut: There are estimated to be 19 populations – wholly or partially - in the Nunavut Settlement Area. The annual core calving areas of all subpopulations are entirely or mostly in the Nunavut Settlement Area.*

*Annual ranges 5 of 8 are shared with other jurisdictions. Caribou management in Nunavut is shared with RWBs and HTOs. Obligation to involve other jurisdictions.*

*Caribou ecotypes. There are two main ecotypes: the mainland migratory and the tundra wintering groups. Mainland migratory has the most extensive migratory behavior and are sexually segregated during the year except for fall and rutting. They migrate to tundra range in spring and return to the forest in early to late fall. With seasonal movements, they are less able to adapt to disturbances. Tundra wintering have less extensive migratory behavior; less sexual segregation through the year; rarely migrate to the treeline, spending entire year in tundra; and have less extensive seasonal movements so there's a greater degree of adaptation to disturbances. Calving grounds are less defined and predictable than mainland migratory.*

*There are nine distinct seasons of importance to caribou. Calving; post-calving; summer; late summer; fall migration (post breeding); rut; fall migration; winter (amalgamation); and spring migration. There were questions about the data, so this is one of the first analyses of caribou movement data. (A graph was shown of Qamanirjuaq caribou movements (km/day)) What should strike everybody is even with the data of no manipulation there are distinct pattern how they are moving across seasonal ranges. The same is true for all the mainland herds, some to greater or lesser degrees. This is not by chance. We use this information to mark the beginning and ends of seasons for caribou. For IQ, there is more to it, but just on the surface, these patterns come out.*

*Go through early winter period and by late winter, we can see movements slowing down. Spring migration get population in movement moving to calving grounds. Calving period is defined by low movement rates, as they are giving birth and staying with calves. This is a distinct period in all populations, as they all show that same drop during calving. During post-calving there are huge movement rates into good feeding areas, but this is related to insects as well. Late summer is important time of year – movement rates drop off. During fall migration, they pick back up.*

*Ken? Is this based on collar data?*

*Mitch: Cow collar data, yes. We will have bull collaring data for the upcoming workshop. Wolf pups are born in that period, and packs hold to an area to bring food. Migration begins at that time, distancing themselves from predators. This is the same in all populations – they start to migrate and distance themselves. When populations are doing well, they are devoid of predators for the most part.*

*There are high movement rates from insect harassment and this peaks with movement. We can see from the slide, it's not just a simple cycle up and down. Components are complex and change with the landscape.*

*Calving occurs in late May and early June. Some of the characteristics are spatially the most concentrated and predictable seasonal range with lowest daily movement rates. They are occupied by breeding and non-breeding females and newborns. Spatial extents are exclusively in tundra habitats with limit cover to visual audible disturbance. Low densities of predators and little to no harvesting. There are few foraging areas but they are adjacent to areas that will provide opportunities.*

*Sensitivities: Disturbance effects are greatest in this period of calving. Energy demands reach a peak and foraging opportunities remain low. They move against the growing season and away from good forage. The main mechanism is to get away from disturbance and predation. Flight response to any disturbance is greatest. Susceptibility to disruption of cow-calf bond.*

*Post-calving occurs in early summer. Energy demands are extremely high, as they produce milk. Calf survival depends on intact cow-calf bond and milk. This generally occurs within and directly adjacent to calving grounds. Yearling groups move together for forage and build fat reserves. They are more extensive than calving grounds but used in a temporally and spatially predicative manner. Biting insects begin in the latter half of this period. The most extensive daily movements occur in the latter half of this period.*

*Sensitivities: High energetic costs from insect avoidance habitat. Biting insects can impact forage and milk production. Displacement will also reduce energy or milk production so survival is much less. Susceptibility to calf abandonment. Environmental stressors are very low early in the period for extensive foraging. Mechanized transport are the greatest concern, as they push away from good foraging and this costs energy. A disruption of foraging will negatively affect cow health.*

*Late summer = much greater spatially but bugs subside and animals can pack on the food. This is from mid-August to mid-September. Forage intake is maximized while forage quality declines. Environmental stressors are low allowing caribou to focus on storage of energy and intake. Geographically extensive but selecting for areas of higher quality forage. They have to go from one to the next. Uninterrupted foraging is critical to reproductive success and overwinter survival. They put on most of the weight at this time. Movement rates are generally low during this time.*

*High sensitivity to forage disruption that impacts fat production and energy. They are particularly susceptible to roads and increasing hunting pressure due to low movement rates. When a forage patch is disturbed, it can take considerable time to relocate and energy expenditure. Cumulative effects are centered around roads and aerial, which are of greatest concern.*

*Fall migration and rutting: Mid-September to Mid-December. Breeding occurs this time of year. It's the only time when mainland migratory caribou of all ages and sexes come together. They are in the treeline for mainland herds. Primarily cow-calf groups migrate from tundra to forest eco zone or to the more southerly extents for wintering. Cow-calf group join up with bulls. They utilize these areas in a predictable manner though geographically extensive. The patches not continuous across the area.*

*Sensitivities: Migration and breeding are energetically demanding to mature bulls. Disruption to breeding will increase energy demands. The amount of stored energy will affect calf survival. Ranges are extensive and less likely sensitive to low density resource development. Obstruction of pre-rut migration can disrupt the breeding process. Cumulative effects are of great concern.*

*Winter Range occurs from Mid-December to Mid-April. There are more complexities that we can get into during the workshop but this is one season for now. Energetic stressors are at the greatest. Forage quality, quantity, and accessibility can be highly variable year to year. Occurs within treeline for mainland herds. Movement is generally low but varies with levels of predation and snow condition. The spatial use of winter range is highly dependent on fire history weather, roads, and harvesting. It's the most geographically extensive range.*

*During this time, they are susceptible to roads and harvesting pressure. Snow thickness, icing, forest fires, and harvesting pressure can impact. A severe winter can reduce overall survival and productivity. Winter range is extensive but likely less sensitive to resource development, as there is enough space there. Cumulative effects are of greatest concern.*

*Spring Migration is from Mid-April to Late-May. It begins following wolf denning and pupping. There are declining energy reserves and increasing energetic demands for cows. Forage quality and accessibility is generally very low. Cow-calf and yearling groups migrate from winter ground to calving grounds. Migratory corridors are usually linear and used annually in a predictable manner. Daily movement is high often 100 km.*

*Sensitivities during this period are that disruption of migration can have serious consequences. They are highly susceptible to predation because of predictable movements. The diversion of spring migrating caribou could delay arrival times onto the calving grounds. The disturbance of migrating caribou can modify spring migratory corridors or divert caribou.*

*With regard to Disturbance:*

*We can get into what we call disturbance and what that might look like. There are different ways you can define disturbance – human activity resulting in the altering of an animal's behavior that would increase energy expenditure or risk of injury while lowering overall condition or health. The degree to which they can be disturbed depends on the level of resilience.*

*Resilience is the ability to cope with stress. Resilience decreases with decreasing population size and with magnitude of the depth of decline. Hunters report it as well. Resilience is directly proportional to vulnerability to inputs like disturbance or habitat modification. Highly resilient animals are healthy and can breed.*

*We need to respect cultural values and practices with regard to subsistence harvesting. There is the need to respect subsistence harvesting in other jurisdictions. What a disturbance effect might look like: (servicing a drill used as an example with flowchart on screen).*

*That's just an estimate. There are 50 days through July and August for feeding - 3.1 days for caribou to relocate and feed. This is for just one site. For insect harassment - that's an additional five days of feeding. The highest part of growing season lasts 75 days beginning in mid-June. Net loss of feeding time is 10% just based on those figures, which means entering winter in poor condition.*

*Productivity and health are impacted by many types of disturbance. To maximize herd productivity, we have to acknowledge all disturbance factors on the range. What we can control are those disturbances by man. We can look at some of the different disturbance effects caused by man versus those environmentally. We can look at the net effect this can cause. Not looking at it in an anthropogenic away – but a combination to produce an amplified effect: displacement - reduced forage quality and availability - reduced forage intake - decline in health and condition - increased predation - and distributional shifts. The only way to foster recovery is to remove or mitigate disturbances we have control over.*

*Cumulative effects – the number of disturbances that when combined together have an amplified effect. Disturbance for aircraft... Add more disturbances to the mix, then the effect becomes stronger. So stress is known to impact the health and lifespan of mammals and we need to remove possible stressors – those caused by man are only ones we have control. All forms of disturbance will cause stress directly or indirectly. We can get past this through protected areas versus protected measures.*

*We should take home that protection measures utilize a series of recommendations to reduce encounters with caribou. The flaw here is that the infrastructure and habitat modification will still negatively impact caribou. Tools used by Industry to assess wildlife encounters also cause disturbance. There is a trend to reduce this. If we are going to fly around, that will disturb caribou. Infrastructure and habitat modification can evoke an avoidance response. Protections used for aircraft are only effective as the weather allows. In some calving areas, the weather conditions force aircraft to 500 or 200 feet.*

*For calving grounds, the weather is pretty poor that time of the year. Even if told to fly at 1000 feet, for safety many times they have to maintain 200-500. There is no organization to effectively monitor compliance to protection measures. It's too hard and too expensive. There is a lots of ground and too few people. We are deficient on effectiveness of protection measures. Many measures could be ineffective and offer little or no protection to caribou.*

*Many of the Nunavut caribou populations are shared responsibility. How we manage caribou in Nunavut will impact harvesters from other jurisdictions as well. All mainland caribou are in steep decline or unknown, suggesting high vulnerability and low resilience currently. Sensitivities vary through the annual cycle and are correlated to resilience. Commercial development on the range will negatively impact caribou health regardless of mitigation. The question is how much? For some areas we don't know. Of many disturbance effects, we have only influence of those by man. Caribou protection of seasonally sensitive range is 100% requiring few resources to enforce. All agencies lack financial and otherwise to ensure compliance. The effectiveness of protection measures is largely assumed. Due to being data deficient, there is much debate. We need facts before we proceed. Trial and error is too tricky. Thank you.*

*David: People attending the workshop will likely be familiar with this information. So let's use this and not present same information people have heard time and again. Try to bear in mind how this presentation will help you design the workshop. Warren?*

*Warren: Thank you. Warren Bernauer from the KWB. Do you have any recommendations or information about some of the island populations, such as those on Southampton or Coats Islands? Of concern is the Baffin Island herd. If you can you refer me to some information to protect those herds that would be helpful.*

*Mitch: From the perspective of the GN submission, we do have information on those populations. I'll defer to Troy Pretzlaw for Baffin issues, but there has just been released the Baffin Island Survey Report with spatial analysis of past collar data. It should be out any day now. As far as Southampton Island, we do have a lot of survey data and good IQ. There is an interim report I can provide. One of the things about the GN submission is understanding the debate that was going to occur regarding caribou issues. We set the bar in terms of data requirements to determine seasonal ranges. We have been using telemetry information for that. So Southampton does not*

*have the telemetry data. Baffin is lacking in a lot of that too. It's not that they are not important. We couldn't meet that bar to be absolutely certain about what we were submitting. So, yes, there is information available.*

*Warren: Thank you very much.*

*David: Jackie?*

*Jackie: Thank you, Mitch for that presentation. I've seen it a couple of times and continue to learn. I'm thinking about what the Chair said about what to do for a workshop. I'm thinking about that question and the people I work with in the HTOs. Because I'm from the Baffin, I have specific questions that can help further development of the workshop. One of the first questions by Environment Canada was about whether the maps were based on collar data. That is the central question and debate that at least hunters in the Baffin will want to engage on. There is data deficiency about collar information in Baffin and that's skewed grounds in the Land Use Plan. It would be helpful for HTOs to discuss the very generic question of whether it's based on collar data. It's a central tension. It ties into the concerns and relationship of IQ to decision-making for this Plan.*

*I don't know if we need a breakout session in the workshop for biologist's data, and if we should have time for community representatives to articulate a response to that barrier to Inuit participation. I know you didn't talk much about protection measures. There's a fair examination of protection areas or mobile measures. That's another big debate limiting consensus. While science is out there, it may be helpful to create time in a workshop where community experience on the timelines between survey and action can be talked about from a community perspective. Communities have a lot of experience in waiting for surveys and the results that come from that and the action that comes from that. Thank you.*

*David: I think we all heard that loud and clear. Barney?*

*Barney: Thank you. Barney from Chester. I have a couple of questions to Mitch and others. Will this be displayed in the public hearing to make it more aware to the people from the communities? Is this information passed forward to the Boards so they are privy to it too? I'm not fully aware whether their Boards are in the same situation. We have bureaucrats that attend but we're not seeing board members. Are they fully aware of this information being passed on to the bureaucrats?*

*Mitch: Included in the process leading up to the GN submission was a political one. I want to make sure that the KWB and KRWB and QWB are aware that within the research group, the input from Inuit knowledge is something we have been trying to put through that as well. We understand the incredible importance of that and hope we can get those submissions in. Collars don't provide whole picture, and polygons are too small. IQ does have a very big part of that story.*

*David: Thank you, Barney. Leslie?*

*Leslie: Thank you. Leslie Wakelyn with the BQ Caribou Management Board. Since this is to inform the agenda, I'd like to say our Board doesn't consider protected areas versus protected measures. We need the combination of those measures when figuring out what we need to do.*

David: *Thanks, Leslie. Warren?*

Warren: *Thank you. Warren with the KWB. I agree with Leslie. We are looking at not an either/or question. What mixture of these can we use to protect the habitat and protect it from disturbance? How can we strike a balance of protection versus economic growth?*

David: *Thank you, Warren. We can take a short break and figure out what to discuss next. Let's make sure we have the right sequence of discussions. Peter?*

Peter: *Any additional geographic data that parties have, please make an effort to bring that to our attention. When talking about polygons – I would encourage parties to gather that data and present it.*

David: *Yeah, the more information the better, but sometimes it gets more confusing. Caribou stuff will not be simple, and the workshop will not be smooth. However, the better prepared people are, the more successful it's likely to be. Continue to send comments to Planning Commission with regard to the workshop, and we'll have more discussion this afternoon, and certainly tomorrow to nail down draft agenda. We can only do that with participation of people here. Let's have a 10-minute break.*

#### **BREAK**

David: *If you could take your seats, we'll get started. Just so you know, we're going to start with Item 16 – Linear Infrastructure Terrestrial, and then we'll do the Linear Infrastructure Corridors Marine, and finally the High Mineral Potential discussion. That I think will wrap it up for the predefined agenda. We'll take whatever we can today and tomorrow morning to spend the rest of the time on the caribou workshop agenda.*

*So what we're going to do is start with Item 16 – Linear Infrastructure Corridors, Terrestrial, and then we'll go to Linear Infrastructure Corridors, Marine. Then we'll go to the High Mineral Potential section, #15, and that, I think, will put us through the agenda aside from the newly emerging caribou workshop agenda. We will spend as much time as available today. We'll break again at 4:00 and then tomorrow morning focus on the caribou agenda. Jonathan.*

Jonathan: *Sorry, I'd just like to note, David, I think in your overview, you missed Items 21 and 22 on the agenda: Overlapping Designations and Accessory Uses, which I wouldn't anticipate would take a great deal of time.*

David: *Yeah, sorry I did overlook that, and I also had a note to myself that we might want to touch on the direction to regulatory authorities and cumulative impact referrals again at the end of the meeting, but I think we had a reasonable discussion on those two already. So yes, by the end of the day, we should have covered all of the items in the current agenda. Let's do Item #16 and then we'll do Item #17, and then we'll go back to #15 and then we'll do #21 and #22 today. Who is leading on the Terrestrial Infrastructure Corridors? Peter?*

## **LINEAR INFRASTRUCTURE CORRIDORS - TERRESTRIAL**

Peter: Thank you. Peter Scholz, Nunavut Planning Commission. The current Draft of the Land Use Plan essentially states that transportation infrastructure is considered to conform to the Plan in all areas of the Nunavut Settlement Area except where explicitly prohibited, which would be some of the Protected Areas. Proposed and existing infrastructure is illustrated on Schedule A.

What that meant was in most cases, the proposed infrastructure would have to go through a conformity review, and where it crossed through polygons where linear or surface infrastructure was prohibited - typically core calving habitat – it would have to go through a Plan amendment before being approved.

We received quite a few comments on this, varying with a wide variety of options. Over the last few months, staff have done a fair bit of consideration on different ways to approach this. We, after a fair amount of internal discussion, would like to present the options, which I'm going to present now.

Let's backtrack a little bit. On the screen behind me are the lists of definitions of terrestrial linear infrastructure, which were presented in July during the second Technical Meeting. We have slightly modified them due to comments from some participants, but essentially, they are more or less the same. We'll go through them at this stage, but we're using that as a base point of defining different types of road or rail or trail. Again we're focusing entirely on land-based infrastructure. We're not talking about anything involving marine areas.

Two options, and again these aren't exclusive options. It's not one or two. It can be one and two. There are two different approaches that we'd like to bring forward to participants for discussion. In essence, Option 1 boils down to...I'll just read this. Consider maintaining approach where transportation infrastructure is considered to conform to the requirements of the Plan in all areas, except where explicitly prohibited. Again, we have the definitions. So winter roads and winter skid tracks would be permitted across the territory with no restrictions. All-season linear infrastructure of any type – sorry all-season, so anything that's built and is going to sit there all year long, not including winter roads, would be permitted in Mixed Use designations and prohibited in most Protected Area designations. There may be some restrictions in certain Special Management Areas depending on the specific use of that particular Special Management Area.

There is also an option for any major proposals that, and by major we mean permanent infrastructure that may eventually connect one community to another, of those requiring a Plan amendment of some sort, a minor variance before you consider it conforming.

So to summarize again, the basic approach is winter-only transportation Protected Areas, each Special Management Area would be different, and Mixed Use everything is permitted with the potential for community infrastructure or certain types of infrastructure having to go through some sort of review due to the potential socioeconomic impacts on community to community infrastructure.

One implication of this I will highlight – I'm reading from page 29 here – linear infrastructure would only require a Plan amendment in Protected Areas or Special Management Areas where it

is explicitly prohibited. There are several locations where proposed roads overlap with Protected Area. To be included in the Nunavut Land Use Plan through Plan amendment, these corridors will need to be considered at the present time. Where a Plan amendment was required to permit a linear infrastructure corridor, the NPC would consider the entire proposal, not just the portions of the proposed linear infrastructure passing through a designation where it's not permitted.

What that means is, in effect, if someone wants to build a road that's 100km long and 99km is through Mixed Use, but the road has to go through a SMA or PA where roads are not permitted for 1km, and they can't go around that polygon, they have to go through it. They would during the Plan amendment stage, the NPC would bring to the communities the whole 100km route for consideration for that Plan amendment.

The other factor that NPC would like to bring forward to both assist in the conformity review process in any Plan amendments, but also to help us meet our NLCA obligations to contribute to policy in the territory, is that NPC needs to be included in the early planning stages for all future major infrastructure investments. This will help to assist in maintaining our mandate, contributing information on IQ, and our geographic information database, to the early stages of planning and design. It will help assist in a timely decision in a Plan amendment that may be required down the road. Thank you.

David: Thanks, Peter. So if I can briefly summarize, winter roads and winter skid tracks will be permitted within all Nunavut. All-season linear infrastructure would be permitted in Mixed Use designations and in Special Management Areas subject to the specifics of that area. It would be prohibited – all-season roads – in Protected Area designations, but an amendment could be sought, if need be. And if there's a piece of a long infrastructure that crosses a Protected Area, then the entire project would be subject to conformity analysis, not just that one piece. Because without that one piece, the project doesn't proceed easily. So any comments from Canada?

Spencer: Hello, Spencer Dewar, Government of Canada. I guess Canada's position on this is – I'll speak to the general and then maybe some comments on some specific cases. I think we're largely in agreement with Option 1. We feel it's very clear. Transportation infrastructure is allowed unless it's expressly not allowed.

I guess we have concerns with the final bullet: potential exemptions may be certain restrictions on new transportation linkages, which create new connections between communities. I don't think...we think that might not be necessary. I think we'd want time to review the wording on the implications. So from a generalist's perspective, we're behind Option 1 for the most part.

Ken: Ken Landa from the Government of Canada. So Spencer was just talking from the perspective of the outcomes and the implications you're driving at here. Now I'm going to address sort of the technical means in which the Plan may bring about those outcomes. I think the terminology gets a little bit confusing when you talk about permitting in these bullets, as opposed to not prohibiting, because you're starting in a Mixed Use designation that doesn't have a prohibition and then you're layering on top of that a permission, when in fact, you're just explaining the implications of an absence of a prohibition. So I think it might be clearer if you talked about the Plan would not prohibit, as opposed to the Plan would permit. That's not at all a challenge to the outcomes that this would bring about, but just a suggestion on terminology.

Along that same line, when the Commission in its explanatory note at the top of this section is explicitly talking about the results, it says, the result is that the proposed infrastructure that passes through Protected Areas and some Special Management Areas would have to undergo Plan amendments. It might be clearer to say it would not conform to the Plan. If somebody later applied for a Plan amendment, then of course that would have to be considered. But the implication is that kind of proposal wouldn't conform full stop.

Spencer: Thank you, Ken. To address the specific, I don't think we'd want to see the acceptance of Option 1 blanketly and any hopes of some of the corridors that are sort of largely understood – such as the Izok corridor or the Manitoba winter road – I think those have to be looked at individually, because they're in everyone's headspace. We'd hate to just see a blanket application prohibit those without further discussion.

David: Okay, any comments from the Planning Commission?

Peter: No comments at this time.

David: Ken?

Ken: Ken Landa from the Government of Canada. So just a final issue, and Spencer raised wanting to understand more of the idea around linkages between communities and the substantive issue about whether that should be restricted by the Plan in some way. Just to point out, you would need prohibitions or restrictions of some kind to bring this about. So Mixed Use then would have to change a little bit in its character, so you'd need a prohibition in order to create a nonconforming kind of proposal – territory to territory linkage or community to community, sorry.

David: Peter?

Peter: Peter, NPC. Yes, that is correct. We separated them out in order to facilitate a discussion.

David: And the final point about involving the Planning Commission staff early is a good one. Miguel?

Miguel: Miguel Chenier with NTI. Option 1 is certainly attractive in that it would be a good tool for Land Use Planning, so no huge problem with it. I can't speak directly to transport corridors, because they are very much tied in with the issue of caribou. So what I'll do is let the RIAs that are affected, or any of the RIAs, speak to the issue afterwards.

But we are concerned that the corridors that have some historical significance aren't represented in the Plan, so we would still restate that, because that was in our submission prior to this. Because they're not represented in the Plan, it's difficult to comment on them, and we can't comment on them even if they were. I'll leave it to the RIAs to go from here.

David: Okay, thanks. Sophia, anything? Vicky? Barney? Jackie? Stephane?

Stephane: Stephane Robert from the Chamber of Mines. So just a clarification: On the Option 1 we say consider defining the type of terrestrial linear infrastructure. Can we have this definition? I think we like to have...We like the #1 for sure, but what we want is really understanding what is included in this definition.

David: Peter?

Peter: Thanks, Stephane. It's Peter at NPC. I don't believe the definitions that we looked at from July have changed. We had some minor revisions, if you remember, and I think those revisions got emailed out, but I'm not sure. They were fairly minor anyway, but we haven't changed them since.

Stephane: Stephane Robert from the Chamber of Mines. We just want to make sure that you know hauling roads, accessing to a mine deposit, will be included in the linear infrastructure, so that is only what we want to make clear.

Peter: If the table likes, I can spend five minutes and do a brief summary of the definitions we have currently that we're looking at?

David: I'm seeing some nods around the table, so yeah, sure. Go ahead.

Peter: Sure, no problem. Just look up on the screen. Access roads: The way to think of these are basically ATV or 4x4 trails. They're not formal, they're not constructed, they're not engineered, but they're generally used fairly regularly and typically by community members. Communication and/or telephone line: That could be a telephone wire, but it could also include a series of telephone or communication relay stations that are dropped in a linear manner across an area in order to connect information wirelessly.

Highways and winter highways: The term 'highway' in this term is explicitly a road open to the public, which connects a community to another community. It's not a highway unless it is community to community. If it stops somewhere and it's not connecting communities, it's not a highway. What you're reading about linear infrastructure corridor, conceptual and proposed en route, we removed those after coming up with the system that we've just described.

Mine bulk hauling road is an engineered structure that's built in conjunction with a mine, which is intended for removal, and there is a remediation plan. Typically it's private and gated. It's not open to public use, and it's engineered to allow for regular operation of heavy mining vehicles.

A mine servicing road is the same thing but smaller. It's for getting everyday workers to and from the residences. It's not meant for the big multi-ton mining trucks. Pipelines are fairly self-explanatory. A public road can be like a highway. It's open to the public. It's engineered. It is not from community to community. A railway is self-explanatory.

Then winter road and winter skid track – or winter highway are just...sorry, a winter skid track is like a winter 4x4 road. It's not technically engineered. It's obviously temporary. It's something for dragging sleds over. A winter road is something that is built, but it's from community from not to another community. It's just stopping somewhere on a winter highway would be community to community. Thank you.

David: Yeah, before I go to Ken, I'll just observe from my own perspective that maybe some further simplification is required. It's kind of splitting hairs in some cases. Ken?

Ken: Thank you. Ken Land, Government of Canada. My comment I think is similar to that. I'm wondering whether these distinctions are necessary, or maybe some of them are but only in the Protected Areas. There are no fine distinctions necessary for Mixed Use because there are no prohibitions of any kind.

The other comment I would make is that some of those fine distinctions will need to be worked on if they do turn out to be important, because some of them use words differently from legislation. That's likely to cause some mischief.

David: Peter?

Peter: Peter, NPC. Yeah, staff are aware that some of these may be cut from the final version, because they're not needed. But while we're in discussion, we felt let's keep them all up there, so at least we have a template, and we are deliberately splitting hairs so that we're capturing everything possible. Then it's easier to cut out than to add in later if we need to.

David: Okay, any follow-up comments on that? Miguel anything? Okay, Stephane.

Stephane: Thank you. It clarified a lot for me. So I think in general, we're in agreement with Option 1 with what you described. What we want to understand is about the Kivalliq-Manitoba corridor. What I'm understanding is if because it's going in different land use, and some are prohibited, the Plan will have to be amended, if I understand well. Your interpretation is that in fact the proposed transportation corridor should not be there because, in fact, we'll have to amend it. So it should be removed from the Plan. Because what you say is it's not approved. It's a future Plan but you have to amend the Plan, so why is it there if you say that we have to amend the Plan?

David: Maybe I can help and then I'll turn it over to NPC. We had kind of this discussion back in Tech 2, I think. Only the portion of the road going through a Protected Area would require an amendment to the Plan. But the entire road would be reviewed to ensure conformity, because there's no point in just taking that chunk out of the Protected Area and reviewing that. The entire road depends on that little chunk. I think essentially what folks are discussing.

Spencer: Spencer Dewar, Government of Canada. I do believe it might be related...To have proposed corridors drawn in the Plan is misleading, because they're not proposed corridors. They prohibit transportation, right? So I think that's why we need clarity. So we'd like to see the Plan say where corridors are allowed.

David: Yeah, and we also had a fair bit of discussion back in June-July about that. Much depends on the state of the plan for those so-called corridors. Izok, the Manitoba proposal – sure, there have been lots of discussions about them, but there's nothing going through the regulatory process, so at this stage they're speculative. With commodity prices being what they are, I don't think the Izok road is going to see reality anytime soon. So why build it into a Plan and give it more emphasis than it may deserve?

Spencer: Yeah, I guess we just see how they're represented now as confusing. You either take them off or allow the development. I think our alignment with Option 1, we wouldn't require it anyway, right? But when I talked about the specific concerns, some of these proposed corridors that have been

around for some time should be discussed if we're able to, and come to some decision through the Plan on how to proceed with them. The Plan has an opportunity to provide some clarity there.

David: Yeah, Jonathan, Peter you have any comment? Brian?

Brian: Thank you, Brian. A very short one: Leading up to the end of the last Technical Workshop, I believe we did understand that the Plan was merely illustrative in terms of where those corridors are. Qujannamiik.

David: Alright, let's go back. Stephane?

Stephane: Stephane Robert from the Chamber of Mines. Same thing from Government of Canada, we just have to make clear that the appendix, if we have a transportation corridor in the future on that, we are thinking that is allowed. So if it's not allowed because it's going in the Protected Area, it should be removed. It's only what we said. Thank you.

David: Okay. Government of Nunavut, any comments?

Amy: Amy Robinson, GN. So the GN has identified this as a very important issue facing NPC and planning participants. Similar to NTI, we can't speak to very specifically, because it's a connection to caribou, but we do see how clarity can be achieved through Option 1, perhaps with some minor revisions like GoC and NTI have mentioned. The GN has a firm position regarding prohibition of development in core calving and key access corridors, just to reiterate that.

The GN specific recommendation regarding these specific land use options in the Refinements Document will have to come in a subsequent submission from the GN. The GN is also interested in continued engagement with the Government of Canada regarding their recommendation on ancillary rights, which is pertinent to this issue. Thanks.

David: Thank you.

Brandon: Brandon, WWF Canada. Just to echo what we said in July that we're in agreement with the Chamber of Mines and GoC that the proposed infrastructure is confusing on the map and maybe there could be an appendix at the end. It doesn't need to be there because it's a little confusing. Thanks.

David: Yeah, an option would be a reference in the text, but acknowledging that Izok and the Manitoba road have been under discussion for some time, and perhaps just leaving it at that. I don't know. Leslie?

Leslie: Leslie Wakelyn, BQ Caribou Management Board. I would reiterate our previous submissions that we found it very confusing and alarming as well, because we weren't really sure what it really meant in the Plan the way it was described. Removal would be a good idea from our perspective as well, because it is speculative, so we would agree with that. Thanks.

David: And you are in agreement in principle with Option 1?

Leslie: Well there are some implications for caribou though, and because it's not known what the decision is going to be in terms of caribou protection in the Plan, we can't say specifically right now. But what we would say is we would not want winter roads and all season roads to be allowed within calving and post-calving areas, and with our terminology spring migration corridors as well. So that's been a submission we've submitted previously.

David: So, just to be clear, winter roads in calving grounds would not be supported?

Leslie: True.

David: Okay, Luis?

Luis: Thanks, Mr. Chairman. Luis Manzo, Director of Lands, Kivalliq Inuit Association. Probably during the presentation with the technical documents you will see the whole picture of the work being done in the corridor. It's our investment and under the help of the communities. You can go to the sections in that research document of what the community wants. This corridor was consulted not just in Nunavut. It was consulted also in Manitoba. And the agreement in those was actually reached to jointly support the corridor for the basic access of communication to the south, the willingness of the politicians to do it, the access to higher power to the communities. We wanted to lower the price of the highway corridor.

That document is already out there. I actually think it's an advertisement in November with regard to the highway corridor which in the same alignment that you see in the map right now. The alignment encompasses 50km wide. We very much know where it's going to be, because we already have the map for material that you require to build a road. That map is already done – will going to give you the exact alignment of that road, because it's what they give you the economics.

We know it has an implication with caribou. We did consult in that during the study with all the communities, especially the Aboriginal communities, and they are in agreement in those documents in the past. I'm very sure we will go back to it and we will get the same agreements. I don't think the communities don't want to be connected. I don't think the communities don't want to have highway like anybody else.

So for us, the Kivalliq region, that option should be there without restrictions. Documents are there already. There's also a research document done in regard to it, and we can't oppose to the willingness of the communities. I mean it's starting from Arviat and we even include in Baker Lake in the economic assessment to that. That's what we use today. We tried any other road that's going to be developed in our territory, we try to make it's closer to the alignments that you mention in the study in order to make the goals of GN and the strategic transportation logistics that they have.

By the way, this layout there is initiated by the position of the GN, just to make sure, provided by the Department of Transportation. They give us what the future was in 2000 based on that MOU sign to use those main transportation corridors to be a research, and we came out with the documentation and the numbers. There's now a proposal today, and there is close to a facility yesterday. It has been there because we do the due diligence just make a road like anybody else that comes from nowhere right? There were a lot of restrictions put into the research that we do.

The framework was consulted with Transport Canada, with the GN, with the First Nations, NTI, KIA. There was consultation to NWMB. You can see the comments in that consultation. All the comments are there. I mean everybody wants to have healthy communities.

Avoiding that fact – I know we have a conflict with caribou. Technically speaking, we have a big conflict with the caribou and the need to be managed in such a way that the road can go through. We need to make compromises, and those compromises have to do with the management of caribou. Whoever has the responsibility to develop the management of caribou, they're way, way behind with this Land Use Plan unfortunately. That's why we came out with the mobile protection, caribou protection measures to somehow tackle those sections and which is going to be potential infrastructure in the future.

So, the Option 1 is a must, because it's a potential to start this corridor with a winter road. There were the talks last year, and probably the Government of Canada knows that. We were opposed to the winter corridor because we didn't want to spend money and do that every year. We want to spend money building something forever. So we want the corridor in the Plan with no restrictions and to manage those well for the community. The community wants protection. The community wants a better start of life, and we need to achieve it. We need to make commitments to do that, and I think we're not far off to do that.

I mean, it's just to sit down with Government of Canada, NTI and the feds need to sit down and tackle those issues and come forward with very reasonable positions in those polygons that interfere with most of the development in the Kivalliq. You can see this region is more impacted, either by conservation areas, by parks, by Special Management Areas, by heritage rivers... I was making a joke here to my colleagues. I'm going to give you money for parks management rather than inspect the land, because we have more parks and conservation areas in our region than any other region.

We try to commit with you guys, but the research is there. The documents are there. We collect that information. We consult the HTOs and there was an agreement in the alignment. Now the alignment isn't going to be the 50km with zoning. It's going to be a maximum of 50 meters wide by 2 meters of shoulder. That's what you're looking at – 20 meters wide. In reality, it's going to be 1 to 2 meters high, because it's going to be self-maintained. And the basics of that, all the research has been done. Like I say, if you go in that corridor, they're actually delineating the materials that are going to be used. Very much I can tell you that that's going to be the corridor, right with those materials are to build it if in the future it's being built. It's very expensive.

We know that, and we know we have conflict with wildlife, but we need to make those commitments to resolve the issue, because this is the wishes of the seven communities in the Kivalliq. I mean we didn't avoid anybody. They're comfortable with the evaluation we did there and the research. Look at the particulars that we put there that we consider the environment, the wildlife, the wishes of the community, the social impacts, the benefits. All of those numbers are in the research. Avoiding all of these I think is not going to be taken well by the seven communities of Kivalliq, and it will have a very detrimental impact at the end of the day and the impact that this Plan cannot move forward. This is an important issue.

We invest a lot of research money in the corridor and in the highway as well. We are preparing to submit to NTI the wishes. We have already submitted some. They know this because NTI is

meeting this week. We will merge our position when that guidance from NTI comes out. We will send that to NPC with respective geographies of all the concerns we have in this. Probably the NWMB, the Wildlife Boards and the HTOs don't have those records. They're there. GN has them as well. We did it jointly with them. We did it jointly with Transport Canada. They give us the money to do it, because it's a way for the community to join the south with the north. All the communities are around the coast. That's the reason why it's important for all high levels. It's over my pay, I will say. But I did the work, and I ensure you that what those research tells us is that they want this, and we need to accommodate it somehow. Thank you.

David: Thank you, Luis. You're as passionate on your side of the fence as the caribou folks are on their side of the fence, I've got to say. There's got to be a middle ground there somewhere. I guess that's the not-so-insignificant task for the Planning Commission, and I suppose the caribou workshop may help advance that. Folks on the phone, comments from anyone?

Liz: Yes, Mr. Chair, it's Liz Kingston with the Chamber of Mines.

David: Go ahead, Liz.

Liz: Okay, thank you. Generally, we do agree with Option 1. However, we do think that there is inconsistency with the phrase, "Transportation infrastructure is considered to conform to the requirements of the Plan in all areas of the Nunavut Settlement Area" except where explicitly prohibited." 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.

So for added clarity, the Chamber recommends that the Plan clearly state in Section 4.2 of the current draft of the Plan that winter roads and power transmission lines are permitted within corridors that cross through Protected Areas. We are not of the view that all-weather roads should be generally prohibited in caribou calving and post-calving areas. In short, to summarize, our feeling is that if we have the right to a mine, we should also have the right to put in an access road to access that mine. Thank you.

David: Okay, thanks Liz. Any comments from NPC either in response to Luis or Liz? Peter.

Peter: Peter Scholz, NPC. We are requesting the consultation that Luis was discussing to be forwarded to us at his earliest convenience. Thank you.

David: Okay, anybody else on the phone? Luigi?

Naida: Hi, this is Naida. Mr. Chair, I just have a few comments.

David: Yeah, please go ahead.

Naida: This is a priority issue for NTI to provide a submission on the Manitoba-Kivalliq corridor. I think many of the issues that are being discussed around the table today are ones that NTI are grappling with as well. So I've looked at the caribou agenda. I know the workshop, there's going to be more discussion on it, but I think it would be appropriate to say that some time at the caribou workshop dedicated to transportation corridors –and specifically the Kivalliq-Manitoba corridor – I think

would be appropriate. I think it would be helpful to NTI and the RIAs in coming to a conclusion on this. Thank you.

David: Thank you. And we'll make sure that's added to the agenda. Anybody else on the phone who has comments?

*(No response)*

Spencer: Hi, Spencer Dewar, Government of Canada. In our endorsement of Option 1, we're somewhat critical of the fourth bullet for new connections between communities. I was wondering if the Commission could explain to us who suggested that and where it came from to better understand it?

Peter: Peter, Nunavut Planning Commission. I'll try to explain the rationale by example. One of the main cost benefits of planning is to avoid having to do impact assessments where the outcome would be a 'no' when looking at the broad stroke level. If there's a proposal to build any sort of linear infrastructure – and we are preferring to use the term linear infrastructure to transportation corridor, because transportation is limited and we are dealing with linear infrastructure, which includes pipelines, power lines, and communication lines.

If there's a proposal to build from one community to another, experience in other northern communities is once you connect, especially a road to that community, there are or can be significant socioeconomic impacts. It's possible that some communities may not want to be connected, or may not want to be connected now, etc. So going through the process of an impact assessment on a road that one of the communities doesn't want would not be cost effective.

So what we raised is maybe before we build highways or railways that connect one community to another or some sort of communication line - public highways would probably be the most relevant in this case – by putting that item in, the communities would provide us feedback, and we can say it does not conform because one or both of the communities on this link do not want to be connected at this time. That saves many millions of dollars in feasibility studies and engineering studies and impact assessments that are involved in going to higher levels of regulation.

Spencer: Okay, thank you. So it's the Commission's idea? It wasn't suggested by a planning partner or stakeholder?

Peter: The way to think of the suggestion below is we went through many, many options over the last six months based on a great deal of feedback on transportation, and we boiled down to what seemed at the time to be the easiest and most workable, and captured what people were saying. This was admittedly a bit of an outlier, but the staff felt we really need to raise this one option, because it may or may not be important to some communities.

David: Stephane?

Stephane: Stephane Robert from the Chamber of Mines. I just have one comment because just before we discussed the Izok road – and we just want to clarify one thing. This road, there was an existing application with NIRB, and it already passed NPC screening stage. A part 5 decision has been

made on this Izok corridor. So in our view, this corridor should be an existing corridor. So can NPC confirm that? Thank you.

Brian: Can we defer that question and answer it after lunch? Thank you very much.

David: Okay, so we get an answer after lunch. Amy?

Amy: Amy, the GN. Could the NPC please clarify hypothetically also whether a ministerial exemption as well as a Plan amendment could be granted for nonconforming corridors?

David: Anything's possible, right? As we've seen already with respect to the Planning Commission. Let's file that one as well and ask NPC to give you an answer after lunch. It's 5 after 12:00. What I'm going to suggest is that we break until 1:30 and give the hotel staff time to feed folks. Then we'll pick up the discussion at that point and then move on to the marine discussion.

#### LUNCH BREAK

***(Audio switched to Inuktitut – no English audio. The following italicized is an approximation)***

David: *Any questions for NPC? Before we do that, Sophia, you wanted to update folks on the status of the roads including the Izok?*

Sophia: *Sophia with the Nunavut Impact Review Board. I just wanted to say that Stephane is correct in that the Izok corridor should be added to the Land Use Plan as a proposed transportation corridor. It is still being reviewed by the NIRB. The same should be done for the Sabina transportation corridor. Both projects were referred directly to the NIRB for screening under Article 12. The screening is ongoing. The Minister of INAC agreed, so both the projects right now are undergoing a part 5 review. Currently we are reviewing the final environmental impact statement, and we're hoping to have the plans to have the final hearing in April, as I mentioned yesterday.*

*For the Izok proposal, we are waiting for additional information from the proponent. We did receive the original application, so we're waiting for additional information for the impact statement. They did get in contact with us in December of last year. Terms and conditions by the end of 2016 of this year, so we're still in the review phase. I guess if the Izok proposal doesn't go ahead or the proponent decides to withdraw the proposal, then I'm guessing that future project proposals will have conformity with the Land Use Plan if approved. Thank you.*

David: *It's the project that's grandfathered and not the concept?*

Sophia: *Sophia with NIRB. I see Ken is nodding so yes. But I do agree.*

*(Laughter)*

David: *Okay, thank you. Any follow-up from NPC on the lingering issue from this morning?*

Brian: *Thank you, David. I'm going to have Peter respond to that. Thank you.*

*Peter: Peter, NPC. The answer is yes, the Minister has right to exempt any NIRB conformity determination.*

*David: Alright, we're done with that discussion. Are there any other comments? Miguel*

*Miguel: Miguel from NTI. I guess I'd like to represent a question from email. So as far as the Izok Lake corridor goes, so the proposal is put forward but abandoned before NIRB made a decision. Wouldn't the proposal forward be enough to allow the corridor status under the Land Use Plan if it went forward? Like I know we've already said, no not the concept, the proposal. But what if the proposal is put forward and then abandoned – is that still considered?*

*David: I'll ask Sophia. But it's my understanding if it's abandoned, then it's a new proponent and a new project.*

*Sophia: Sophia with NIRB. To answer that question, the existing rights would have to be addressed. But also if it was abandoned and brought forward by a new proponent as a project proposal, the NIRB would look at it as new. It would be referred by the NPC and it would start from the beginning again.*

*David: Thank you. Miguel, does that work? Okay. Any last comments from the folks on the phone on this topic? Denise?*

*Denise: Denise. Just to add to the confusion, if the proposal was modified by the same proponent, would that also be grandfathered?*

*Sophia: Sophia with NIRB. You're talking about if it's in the process that it is right now? We'd be looking at it under the Land Claim. We're in a review, so we'd look at it under schedule 12-10-1 to see if it's exempt or look at how we have to address it within the review. An example would be Baffin Island, and there were modifications to it with certain withdrawals of proponents.*

*David: Okay, last call. Alright, let's move on to the marine shipping. Brian?*

*Brian: Thank you, David. Apologies. Brian, NPC. Before we go on to the next topic, at this time, we want closure on the proposed caribou workshop, given that we have deadlines. If at all possible, can we get feedback on the times we put forward yesterday?*

*David: Okay, so how would you like to proceed? Okay, anything in addition to what has been proposed that is up on the screen?*

*Brian: The proposed dates: one is between February 24 and 26. There's also March 2-4 or March 7-9. In the discussion yesterday, we were considering Rankin Inlet, but at this point, we've now chosen Iqaluit for a better location.*

*David: Just on the February 22<sup>nd</sup> date for the written submissions, that's also firm? Okay.*

*Alan: David, it's Alan, Counsel for NPC. Just to speed up the dialogue, several of us had discussions later into the afternoon. I know GN made it clear they would have difficulty with the first two options.*

*So the GN has made it plain to the Commission that the March 7-9 option is preferable to the other two. That is the way the Commission is leaning presently, if that helps other people.*

*David: Yeah, the one obvious conflict there is PDAC that may put the Chamber in a difficult position. Unless there is some deal-breaking reason not to go with March 7 to 9, I guess that might work. Stephane?*

*Stephane: Stephane Robert from the Chamber of Mines. We will make ourselves available, as was discussed with some folks, and we will be there on March 7 to 9 for this workshop in Iqaluit is it? Okay, yeah.*

David: Alright, so there it is: March 7 to 9 in Iqaluit, and we'll proceed on that basis. We still have to flesh out the agenda, but we got some good comments. I'll continue to ask that people send comments to Peter. Tomorrow morning hopefully we can have a redraft of that agenda and have a focused discussion on it, tweak it a little bit more, and then maybe we can assign it finalizing the agenda to a couple of people, a formal working group and wrap it up next week. Then we can get invitations out and make sure we have good solid representation from communities and so on. Okay, are we good to go to the marine transportation section?

## **LINEAR TRANSPORTATION INFRASTRUCTURE - MARINE**

Peter: Peter Scholz, NPC. We are entering a discussion on marine linear infrastructure corridors. The current approach in the Nunavut Land Use Plan is essentially similar to that for terrestrial. Just to recap, it's considered to conform in all areas except where explicitly prohibited.

NPC received a great deal of interest in this matter, and we have three pages of submissions on pages 30, 31 and 32 of your document. Following careful consideration of these submissions - and also staff has undertaken a great deal of research into marine policy and marine legislative factors - we were able to identify...sorry. We were able to - and through many refinements - we've come through with the following suggestions for considerations on ways to break this very large topic into manageable chunks. At this stage, we're proposing to break this discussion into four subcategories of different types of marine corridor.

Category 1 is shipping in ice-free areas. Option 2 is travel on ice. Number 3 is underwater utility corridors. Number 4 is icebreaking routes. I will deal with each of these in turn a little bit here. If you look at the bottom of page 32, there's a bit of a discussion. Staff at this stage were able to identify four options for how... I'll step back a bit.

The Nunavut Land Claim Agreement is clear that marine spatial planning is part of what the NPC does. On the other hand, there is the Law of the Sea, which overlaps this. The two have been difficult to fit. So at this stage, NPC has been looking at four legislative tools. We're hoping that the final Land Use Plan will incorporate these tools and any regulations that eventually come forward. These were other tools, which you may not know about so that there is a harmony between what the NLCA says about developing marine spatial planning and what the Law of the Sea says about what you can and cannot do, where ships may or may not go, or what times they may or may not go there.

In this effort, we've done a lot of networking, including with a variety of federal agencies. These four tools are Notice to Mariners; something called Areas to be Avoided, which can be listed with the International Maritime Organization; developing setbacks from geographic features, where ships may not enter during part or all of the year subject to safe navigation; and Inclusions in the Marine Environmental Handbook. NPC staff will be looking for whatever support, input we can get, primarily from the Government of Canada on these four tools.

With that I'll jump into the easiest one to deal with the marine undersea corridors, which was utility corridors, such as pipelines or Internet lines. At this stage, we don't see why the Plan would have restrictions on any sort of underwater utility.

Moving on from that one – and we'll have a chance to discuss all four of these – on marine ice-free shipping corridors, which are fairly intuitive to understand, some Community Areas of Interest, which were identified through community consultations and supported by IQ, NPC has identified such areas as Moffett Inlet and some portions of Foxe Basin where the community has requested seasonal or all year long that ships do not enter those waters.

One difficulty that has been arising is defining the difference between what is the ice-free season. Is that physically when ice is not there, or is that when according to the Arctic Waters Pollution Prevention Act, ice is not there? TC, Transport Canada, I believe had made a suggestion about using the dates in the Arctic Waters Pollution Prevention Act, which I'll call AWPPA, on defining when a season is iced or not iced.

Brian: Excuse me, David. Apologies for disturbing Peter. The folks on the phone are getting an echo right now, so they can't make out anything Peter is saying. I wonder if we can hang the phone up and then redial in? Apologies.

David: Yeah, no worries. So we'll take a short break to see if we can fix that.

*(Short Break)*

Alright, well we'll try it. If there are problems, let us know please. So Peter, you want to pick up where you left off?

Peter: Thank you. Peter Scholz, NPC. So to continue on the discussion on AWPPA, I don't have a screen overhead, but essentially AWPPA divides the Arctic waters of Canada into 17 zones and sets dates for when different classes of ice ships can go into each of those 17 zones. There are, as I said, 17 zones and about 12 different types of ships. So there are 12 x 17 cells sets of dates in AWPPA on when you should consider whether it's iced or not iced

NPC is looking for clarity on that. We think the 17-zone thing would work in this case, but we would have to get specific dates. We don't think relying on satellite ice data for what is iced or not iced is going to work on a day-to-day conformity determination system.

I was actually talking about...if you go to the middle of page 33, you'll see these definitions. We'll go through that, because I just talked about the ice-free season. The second one down is marine corridor. The proposed definition here for a marine corridor is that it would not be width-defined, but listed as a general preferred routing for vessels subject to safe navigation.

What that means on the ground is if there's an approved marine open water corridor, it wouldn't be shown as a hard line and ships have to stay between those two lines. It would be shown as more of a general line, and ships are expected to stay more or less to that routing. But if they have to go left or right or whatever for safety, then there you go.

Marine infrastructure would include ports and other infrastructure needed to support the coming and going of marine vessels. This could comprise buoys, geo-location responders, beacons, charting activities, lighthouses, communication repeater stations, safety equipment depots, other land based floating or submerged marine service or safety infrastructure proposed or required near regular shipping. So what we're saying is when we're doing a marine corridor, the thought is at this stage that you include all those kinds of things to gradually improve the safety of that marine corridor.

Finally marine setback: specifically, we identified geographic points identified for natural or cultural value, which could be an IQ-based Area of Interest, and we would put a setback on it. Ships would not go into there subject to safe navigation, and that's where those four tools I mentioned earlier might be applied.

Moving on to ice transportation, the winter season...I say half-jokingly that ice is a multimodal transportation system. You can travel on it or you can break ice through it. The problem is when the on-ice and the breaking-ice routes intersect. So for marine on-ice transportation, there are two species that we're interested in: one is human and one is caribou in the case of this Plan.

For the caribou, what we're looking at most closely is where the Dolphin and Union herd passes to and from Victoria Island twice annually. We're also looking where the Peary caribou move pass to and from Somerset Island, and the island immediately to the west of Somerset Island. I don't remember what it's called. So, we may not want to talk about how to protect caribou...if icebreaking occurs across caribou sea ice crossing at exactly the wrong time, you can have severe damage to that herd. The staff members have been working on how do we – meeting something that meets the Law of the Sea but also protecting the caribou and meets the needs of the NLCA – at the end of the day, how do people who are driving icebreakers know not to break certain locations at certain dates? How is that enforced?

The other species we're interested in human, and I'm going to bring up a map to give you an idea of Inuit use of on-ice travel. This map was put together by an academic from the south. It shows a combination of traditional Inuit trade routes, current Inuit hunting routes, community-community routes, and also includes some routes that may have been taken only once or twice by certain explorers 100 years ago. But it's just to show the very broad extent of these lines crossing the sea ice in the Nunavut Settlement Area.

At this stage, what NPC has been considering is we could identify some of these routes as a polygon – spider web of polygons – which could have certain seasonal designations on them. Or it could be instead of being listed as a Special Management Area, it could be listed in Schedule B. It could be interwoven with any of the four navigational restriction tools that I discussed or any tools that we may not be aware of to help identify for proponents where breaking ice at certain times could have detrimental effect for Inuit. That's where that one is.

That one naturally leads into the marine icebreaking corridors, which we understand at least one or two are going to be grandfathered in. But when we have an icebreaking corridor, can we put stipulations on it on when it should not be used or what sort of protections for on-ice travel need to be made? So this type of linear infrastructure is not as well advanced as the terrestrial type, because of the legislative uncertainties and the enforcement uncertainties. But we felt by breaking down these categories, it would help define the issues so other parties can help us move forward in coming up with the Plan can say.

Remember the Plan can be as simple as commitments from parties to do certain things. Once it's in the Plan and approved by the Minister, those parties are then legally bound to do those things. That can be a way to use any of these four navigational tools, or you can set up SMAs, or seasonal Protected Areas, or a variety of tools. We have a suite of tools in front of us. We have values identified and we've categories identified, so that's where we want to move forward at this stage. With that, I'll pass the mike.

David: Okay, thanks Peter. I've got a couple of thoughts at least. The marine corridors, except for the utility corridor – and perhaps even that – given that they are fairly general in aerial definition, the term corridor tends to be a little misleading. I mean it implies a narrow - analogous to a highway or whatever – route. I'd suggest it might help if we call them zones rather than corridors.

Another point: You said at one point areas where ships may not enter. It might be a little more amenable if you said, "should not" to provide some flexibility, recognizing of course that ship safety is paramount in all cases.

The Arctic Waters Pollution Prevention Act zones, again, rather than calling those zones, you might think of them as Special Management Areas or at least in that context. I don't know if that works. I don't know how often the timing when particular classes of ships can enter those areas is updated. Clearly, circumstances are changing, so it requires flexibility all around. But the fundamental issue, as we talked about in June and July, is the conflict or potential conflict between shipping, which is the freedom of the seas subject to safe navigation and so on, and the needs and rights and values of residents. That's the fundamental thing. If shipping is unconstrained, then inevitably, it's going to result in conflict. So we need to find ways to constrain shipping without going over the edge in terms of the legal rights of ship's captains and shipping companies versus the legal rights of residents in particular. Peter?

Peter: Thanks, David. A couple of quick clarifications: When I said 'may not enter,' I was meaning 'may' as in 'thou shalt not.' Such as approaching Walrus Island, the NPC is looking for that in some locations, ships definitely may not – as in can not, not allowed to – enter those areas. Thanks.

David: Yeah, except in the case of ship safety. Yeah, I'm trying to look for ways to finesse the differences, and if you say 'may not,' then that may raise some flags with Transport Canada. If you say 'should not,' then the message is clearer, but it's not quite as harsh. I'll just throw that out there along with the other comments I made. So I'll turn it over to the Government of Canada and leave it to you guys to pick up the conversation.

Dale: Thanks, David. My name is Dale Kirkland. I'm the Regional Director for Transport Canada programs in the prairie and northern region. Peter, thank you for your opening remarks and your context on shipping, I really appreciate that. I'm going to give a few opening, general comments

followed by some preliminary comments on the Considerations Document. From there, I'm going to pass it to my colleague, Jaideep, who will provide some additional comments as well.

Our department, TC, we made previous submissions to the Planning Commission with respect to the Draft Land Use Plan and marine shipping. In general, marine shipping in Canada – in particular in Canada's Arctic waters – is highly regulated activity. That regime, which is in place, attempts to balance the need for a safe and environmentally responsible marine transportation system with the need to have viable, effective and economic marine transportation that facilitates commerce and the wellbeing of Canadians.

Previous submissions to the Commission, they provided in general terms, how shipping is regulated in Canada and the tools that are used to enforce the regulatory regime. In particular, vessels are free to operate in the Arctic, provided they comply with TC's Acts and Regulations. The existing regulatory regime places a number of requirements on vessels to ensure that they are able to operate in a safe and environmentally responsible manner in the harsh conditions in the Arctic.

Now our department, Transport Canada, we've done a preliminary review of the Considerations Document, and I'm just going to briefly run through a few comments on that document that relate to marine shipping.

The first one I just want to flag is related to caribou, and we just spoke briefly about it, Peter as well. Item #4 regarding caribou habitat on page 6: This speaks to a direction and identifies the regulatory authorities where appropriate need to mitigate impacts of projects proposals with ship traffic on spring and fall caribou sea ice crossings. I just wanted to clarify for the record that TC, we do not regulate ship traffic for caribou sea crossings.

The next item I want to refer to is Item #13 on page 32, which speaks to IQ incorporation. In our remarks provided in July and subsequently in submission we provided to the Commission on August 6<sup>th</sup>, TC, we pose a number of questions and concerns to the Commission with respect to proposed shipping corridors. Again, they're found on page 32 of the Considerations document.

In particular, TC posed the question of essentially what would be the width, length of the corridor? Why is a corridor necessary? What is the purpose of the corridor? Will the corridor apply to vessels calling at ports in Nunavut or to all ships? Will shipping be restricted to this corridor? Can vessels deviate from this corridor or in consideration of safe navigation? How will vessels know that such a corridor exists? And finally, who will monitor vessel passage through the corridor?

With respect to these questions we posed, TC we recommend that the Commission to assist us, need to identify the objectives and rationale for applying restrictions to Moffett Bay and Foxe Basin, including the proposed corridor in Eclipse Sound, and specifically the issue that the proposed shipping restrictions are intended to address. We believe – TC, we believe that identifying the nature of the issue may help determine if tools exist and the applicability of the tools, such as those four described by Peter just moments ago, and how they may be best suited to address the problem or issue on shipping in Moffett Inlet or parts of Foxe Basin.

Lastly, one brief comment on section 17, page 32 that speaks to linear infrastructure corridors, marine: On page 32, two options for refinements are identified with respect to marine corridors. To reiterate, TC we do not support an outright prohibition on shipping, and the Land Use Plan be developed and applied in a way that respects Canada's international and domestic obligations with respect to shipping and navigation. I'm going to pause there and pass the phone to my colleague, Jaideep.

Jaideep: Good afternoon. Jaideep Johar Manager of Marine Safety and Security, Transport Canada. Peter, in regards to our submission that we provided last time on page 32, we have indicated about some tools that could be utilized, as David mentioned, so that we have a balance of the shipping activities, with the concerns of some of the communities were addressed. Some of the tools we can work with DFO. They are actually published by DFO. But if you have studied those tools and if you had time to look into those tools, they really provide guidance to their masters when going across the sensitive areas, what actions they should take.

For example, I did study those. For example, if the vessels are going near some area, they're asked to reduce speed. So they're very good suggestions, so we could probably work on that and balance out what is required by the regulatory part, and we can also work with the community concerns. But the most important thing is, as Dale mentioned, is to know why the outright prohibitions are being requested on Foxe Basin and other areas, like what's the rationale behind it. It will be good to understand what's the background...probably there are misconceptions we can clarify or something, but if you could provide that, that would be of great help to us.

You had divided the sections into four parts. One was marine icebreaking corridor, and I'll just read the definition. It says it includes all marine transportation routes during the frozen season. Maybe a little bit clarification on that: When we talk about frozen season, what's the frozen season? I think when I come back to the definition of ice-free season maybe I can relate that just to clarify what the frozen season is. Right now, except a ship going to Deception Bay, there are no more shipping traffic right now. There's only one vessel in the Arctic going to Deception Bay right now this time of year. So we need some clarification there.

The second point regarding marine ice-free shipping corridors, which says it means specific routes. I spoke with Ken also a few minutes back. Maybe it will be good to define what these specific routes are or just make a general statement and do not include words specific, just have a route that could be used for the vessels.

The important component is the NPC comment on ice-free season, and I'll read what's in the documents. It's the period in which marine environment is generally open or partially open and when icebreaking activities are unlikely to result in ecological damage. For the purpose of the Nunavut Land Use Plan, the ice-free season should parallel the different marine zones in the Arctic Water Pollution Prevention Act, although it's not clear how to set the dates between ice-free and frozen seasons in each of the zones.

So let me give some clarification on that. From the marine perspective, and from the definition of what ice is, the term 'ice-free' literally means that no ice is present. So unless NPC wants to define the term to give it some other meaning – probably it's open to a discussion. If NPC is not referring to the plain meaning of the expression and does not wish to define it, TC submits that this term should not be used. If the NPC means to conform to the expression the meaning, that is waters

that are open and freely navigable in which ice is present in concentration less than 1 by tenth. That's the definition of open water with regards to our regulations, ice of concentration of 1 in 10 or less.

Just a correction there regarding shipping control zones, that there are not 17, there are 16 zones. I'll just give you a little bit of background to clarify your question about how we can possibly use this one. So the application of zoning system is under Arctic Shipping Pollution Prevention regulations. It divides the Canadian Arctic into 16 shipping control zones and stipulates the opening and closing dates for each zone in relation to the type of vessel. So I will just generalize it.

So basically it depends on what kind of, what type of vessel is navigating in a particular area. For example, Hudson Bay is zone 16, and what we have considered to have the least severity of ice. I'll give you an example. If a freighter doesn't have any ice class, it could go there between a certain time to a certain time, which is free to open. But the same freighter, the same vessel, it won't be able to operate in zone 1, because of the ice conditions.

So it's very dependent on the type of the ice – the type of the vessel that is navigating. So zoning system is based on the premise that nature consistently follows a regular pattern year after year. It defines the following 16 zones of increasing severity, types of vessels and opening and closing dates for each of the vessels.

Please bear in mind that there is no manner to set the dates between the ice-free and the frozen season in each of the shipping control zones other than the general historic values that these zone systems use. It's a fixed system, and it does not reflect the long-term trend and the change in the ice conditions. So, TC introduced a more flexible system, which is Arctic Ice Regime System. Ships may continue to use dates for entry for basic planning, for estimation whether certain ice conditions may occur. But the two which we introduced, which is Arctic Ice Regime System is currently used only when making decisions if you want to go outside the established dates.

If NPC thinks that the current zone date system should be used in the NLUP to provide benchmarks, we suggest that zone date systems can be used with the following caveat, subject to annual climate variations. But please do ask me questions on that. It's a bit complicated to understand, but I can certainly clarify on this.

Also, there is a reference to communication with the Canadian Coastguard on the Northern Marine Transportation Corridor Initiative. Transport Canada encourages NPC to continue this dialogue with the Canadian Coastguard, which is responsible for the operation and implementation of Northern marine transportation corridors.

Just to conclude, we look forward to continued dialogue with all the parties and stakeholders, and with NPC to support the Land Use Plan development. Also I would highly recommend that all interested parties, including NPC and DFO and Coastguard, probably we could have a meeting or it could be introduced into the agenda where we could go through each and every item and clarify and hash out what each department's roles and responsibilities are, and how we can best help you with the situation. Thank you.

David: Thanks, Jaideep. So what are you doing tomorrow afternoon?

*(Laughter)*

Jaideep: I'm free anytime.

David: Well I think we have a date, or at least NPC and yourselves have a date. Just before I continue the discussion and invite NPC to respond: The concern for the ice-free versus non-ice-free seems simple enough. If you've got a definition for ice-free, then the flip side is non-ice-free, right? So anything greater than two-tenths is non-ice-free, however you want to use the term. Simple?

Jaideep: No, it does make sense, but I just wanted to clarify. We can understand it, but when a third person reads it, how does he understand that? That's why I needed to clarify.

David: For sure. Okay, Peter any comments right now?

Peter: Peter Scholz, NPC. I have a few quick responses for Dale regarding the questions, which everyone can see near the top of page 32, about an inch down. So, one question that TC had asked: What would be the width-length of the corridor? In July, NPC had been suggesting certain limitations on corridor based on that question. Our thinking was that a marine corridor would not have a defined width. It would...almost think of it like a blue-dash line, which is darker in the middle and fading off toward the sides. It's an understanding that ships would try to hold more or less to that route, but they were free to move left or right as then need to for safety.

Why is a corridor necessary? What is the purpose of a corridor? The purpose of the corridor is safety and environmental protection, and also ensuring the wishes of Nunavummiut and specifically Inuit, are met with the shipping that occurs in and through the Nunavut Settlement Area.

Will the corridor apply to only vessels calling at ports in Nunavut or to all ships? I'd say that NPC's preference is that would apply to all ships except those involved in community resupply. However, reading the NLCA, my understanding is that NLCA focuses on ships that are calling into a port in Nunavut and not involved in community resupply. However, in the process of doing all of this planning work, that does raise the looming question of "What about that Russian freighter that wants to come through from Alaska to somewhere across the top?"

Will shipping be restricted to this corridor? Yes and no. What we're suggesting is that one off ships, all the factors considered are not restricted unless there a reason for them to be. If – again going to that Russian icebreaking freighter that decides it wants to come through and invokes the Law of International Passage or whatever it's called – let's say they want to go south of Cambridge Bay just when the caribou are migrating. How would they know don't go around the north side of Victoria Island if you have to go through it that season, because you will kill caribou that will fall into your ice track and will not be able to get back out.

Can a vessel deviate from its corridor in consideration of safe navigation? Yes. How will vessels know that such a corridor exists? We've listed four tools that we've been notified of, that we're aware of. We don't know the details of those tools.

There's another question here – oh, who monitors vessel passage through the corridor? I don't know. I'm going to say hopefully the federal government, because I know you guys can watch what ships are going through in the North now. Maybe not Russian submarines...

*(Laughter)*

But I know you guys have capability to monitor the ships, unless you want to transfer it to me and I can have his laptop.

*(Laughter)*

You asked specifically about Moffett Inlet and Foxe Basin restrictions. Community Areas of Interest, in the case of Moffett Inlet, it's listed in our Options and Recommendations Document why those areas are recommended for restrictions. In the case of Moffett Inlet, there is at least half a dozen marine mammals that use that inlet. Our use and occupancy map has indicated that there is month every year approximately when even Inuit will not go into that inlet for risk of disturbing what these marine mammals are doing. Foxe Basin I understand is something fairly similar.

You have to think of it as we're mixing science and IQ here. Inuit have indicated that at certain times, areas are particularly sensitive. There's a lot going on in those areas, and human disturbance should be minimized by all means necessary. That's why those are reflected on the map.

In regards to Jaideep – sorry if I mispronounced your name – talking about ice-free season, open water season, definitely I can see where you're coming from with the ice-free season. We may in our future discussions use your definition when talking about ideas – I was thinking about the aspect of marine transportation. When is on-ice travel possible? It factors into our planning concerns, what open water means.

But also, moving into the icebreaking factor, we didn't mention that another factor we are keeping an eye on is protecting solidity of flow edges in polynyas. If you run an icebreaker in a wrong way next to the wrong linear flow edge, you can damage that. You can cause earlier breakup. As we all know the flow edge in the polynyas are an essential ecological habitat, and each one has a different ice regime around it. So what we're trying to do is identify the tools similar to the caribou – certain times, certain parts of the year, don't ice-break around these ice structures, because you might damage or break them, or severely impact ecology through that. Thank you.

David: Thanks, Peter. Jaideep?

Jaideep: Thanks, Peter. So basically what I understand is for Foxe Basin and Moffett Inlet, the main issue is protecting marine mammals. But in our submissions, we're seeing that it's totally prohibited, so maybe that's not what we want to say here? Maybe it's restricted to some part of the year, right?

Peter: Off the top of my head, I think so, but I'd want to double check. I believe most of these types of restrictions have sort of a seasonal or annual basis to them.

Jaideep: Sure, we can work through that. Just to add, if those routes are being taken by community supply ships, then that's different. We're talking about commercial traffic, which hardly goes there or tourism ships. We can discuss that further for sure.

David: Okay, I'll just go down the table, but I just want to ask now. I understand in the case of marine migratory bird areas, that there is an approach that might be helpful in the case of the land use planning process. Basically setbacks except in the case of ship safety, and those setbacks are obligatory unless ship safety is of concern. Is that correct, or is it still advisory?

Jaideep: I believe they are still advisory. I haven't seen anything from EC making them regulatory, but EC guys would be able to answer that.

David: Okay, well we'll get to that. Brian.

Brian: Thank you, David. Brian, NPC. There was a request for some sort of a multi-party agency meeting on transportation. The three days we've set aside for caribou might be very tight for the issue of caribou, so we'd like to consider that overnight and come back to the table, to the floor tomorrow and respond to that request. Thank you.

David: I was just thinking that tomorrow afternoon might be an opportune moment and Friday morning for that matter, for those who are available.

Jaideep: I just want to make sure that we have all the players we need to have: a DFO representative, a Coastguard representative and others.

David: Well, we've got DFO on the phone. Hopefully that could continue tomorrow. In any case, whatever time is available with whomever is available would probably be better than deferring it until everybody's available, given the complications of getting everybody into one room. Peter?

Peter: Just a quick note that the Notice to Mariners tool has apparently been used for many decades in the Gulf of St. Lawrence to prevent icebreaking in certain ecologically sensitive zones, at least that's my understanding according to what I was told by WWF. Thanks.

David: Yeah, but again, it's likely advisory. If it's a Notice to Mariners, it almost inevitably is advisory.

Jaideep: For the most part, but in our regulatory requirement, we do point out that captains should refer to those. So basically we are meaning that you have to abide by that.

David: In other words. Miguel? Oh, Ken, sorry.

Ken: Ken Landa, Government of Canada. We've occupied a lot of airtime here. I do have some comments on this issue, maybe a little bit higher-level than some of what Jaideep was saying. I want to be useful and helpful, but I don't want to take up all the airtime, so I'm in your hands as to whether you should get the head commentary on the floor first and then go around, or whether you want to do it another way.

David: Why don't you put your comments on the table, and we'll continue on. We'll take the time we need.

Ken: Thanks very much, and thank you all for your patience. I think David you hit on something with terminology on corridor. I think to most people, certainly to me, corridor implies that this is where you may go, and you may not go anywhere else. But that's not what the Plan appears to be intending to do, so I do think that's a comment that should be taken seriously, because the readability and interpretability of the Plan is a key interest that we all share.

Another issue that I think should be looked at is delinking infrastructure, ship movement - ship movements associated with project proposals in the Nunavut Settlement Area, ship movements that are not associated with project proposals in the Nunavut Settlement Area – and figuring out, there may be solutions, different solutions to those different issues, and they raise different concerns within Transport Canada and other federal departments.

I also think we'd all be well served by thinking seriously about delinking on-ice transportation from icebreaking from all the other areas that are different. As well, I would suggest delinking infrastructure from ship movements, because shipping is either point infrastructure and linear movement, or no infrastructure and linear movement. The linear movement may be persistent and repeating, or it may not be.

Those are all different, and they all require different planning approaches. But right now, we're trying to deal with them all in one framework, and I think that's unduly limiting. I would add to that the utility cables are not the same as any of these other issues, so I think there are some opportunities to solve some problems by disaggregating them, and dealing with them on the basis of the concerns that those individual things raised, but also the tools that are appropriate to regulate those things.

Just one example: If the concern is ship movement associated with a project proposal in Nunavut, you can indirectly regulate that by regulating the project proposal. You don't need to regulate the ship directly, so you're not going to concern transport the same way as you might if you were trying to regulate ship movement directly. That's one example. So with that, I'll yield. I hope that is helpful.

David: Alright, thanks Ken. Miguel?

Miguel: Miguel from NTI. No problem on time. NTI at this time doesn't have a position to offer. Thank you.

*(Laughter)*

David: Sophia, any comments, particularly on Ken's last suggestion? Vicky and Bruce?

Bruce: Thanks, David. It's Bruce MacDonald from Environment and Climate Change Canada. I think the question Jaideep that you asked was about the marine setbacks. My understanding of the marine setbacks that Environment Canada has proposed would be prior to the conformity check of the Land Use Plan. So they would be conditions.

But I would also add that most of the setbacks that we're talking about involve breeding seabirds or breeding waterfowl, sea ducks. They typically breed on rocks, so I'm sure there's not going to be too much conflict there with ships in general.

David: Any comment on the current situation with respect to important seabird habitat and ship traffic?

Bruce: Sorry, David, could you say that again?

David: Yeah, CWS has identified a number of – and there are – formally protected seabird colonies, and inevitably there are ships going by. Can you describe how the effects of ship traffic near known sea bird colonies – Protected Areas – is mitigated?

Bruce: Thanks, David. Bruce from Environment and Climate Change Canada. Currently, if it's a legislated protected area, they would need a permit from us to gain access unless they were to go there for reasons of safety. Then I'm going to say it's not an issue, but cruise ships, for example, have to apply to us for a permit to access the area.

David: Okay, and does that mean just getting ashore, or does that mean that there's a setback within which ships should not transit?

Bruce: That's to gain access to the legislated protected area, so the marine portion, if they want to set anchor there, if they want to sail through it, if they want to launch zodiacs – all that would require a permit from us.

David: Okay. I'm still not....So the legislated protected area includes marine as well as terrestrial? Okay. So that's how it's mitigated.

Bruce: Yes. Some of our protected areas do have a marine portion that is part of the legislated protected area.

David: Alright, thanks. AI?

Alaine: AI Joseph, Parks Canada. I can second that for marine areas in national parks. There is similar zoning that would require permits for cruise ships or may prohibit that type of entry altogether.

David: And is there any significant difference other than the legislative tool in this discussion, between a Protected Area pursuant to a Land Use Plan – a Conservation Area pursuant to a Land Use Plan – and a protected area established through legislation? Would not an approved Land Use Plan have the same force and effect?

Vicky: Vicky Johnston, Environment Canada...and Climate Change

*(Laughter)*

That just threw me off. Yes. I should say yes, there are differences in that a conformity check would be required instead of a permit. For the non-legislated key bird habitat sites that are in the Protected Area zone in the Plan, those are subject to setbacks around these colonies that are subject to safe navigation, but they are setbacks in which marine traffic is not supposed to enter.

David: Okay, I'm going to leave it, because I really don't know what I'm talking about here. Warren?

*(Laughter)*

Warren: Thank you very much. Warren Bernauer with the KWB. First a question for the Planning Commission: Has the NPC considered including a discussion of community values and sea ice, similar to what was included in the North Baffin Plan? Thank you.

Peter: Peter with the Nunavut Planning Commission. The short answer is yes. It's captured under the IQ discussion we had yesterday.

While I have the mike, I'm going to raise one quick point of clarification for the Government of Canada, which is part of the reason we use the word 'corridor,' or 'marine corridor' instead of 'marine route' is by using 'corridor' we wanted to capture all of the stuff that could gradually be done to improve the safety and shipability of those routes or corridors, however you call them. This includes buoys, warning signs, lighthouses... By putting in the corridor, the idea was we'll put in and as government of private industry wants to install stuff, it wouldn't go through conformity. It would be captured by the corridor. Thanks.

Ken: So, David if I could just quickly respond to that. Ken Landa, Government of Canada. That makes sense to me in a plan that generally prohibits shipping and then has corridors where it is permitted. I'm not sure I understand that in a plan that generally permits shipping and then goes on to talk about corridors. But I think this is just a topic that needs more thought and discussion.

David: Okay, thanks Ken. Warren, anything more?

Warren: Thank you. Warren with the KWB. We'll likely work toward suggesting some text that could go towards those values of sea ice in our written submissions. My next question to the Planning Commission is has the NPC considered Chesterfield Inlet's, HTO's and Hamlet's requests to limit the volume of shipping through the inlet, given the relatively severe impacts that's had from a community perspective on a seasonal basis? Thank you.

Peter: Peter at NPC. Yes, we have. It's not addressed specifically in this document, because we're trying to flush out what tools we have to use to get to Chesterfield's concerns.

Warren: Thank you. I appreciate that response and the clear difficulty of overlapping jurisdictions and legal complexities with trying to regulate these things. And I'll guess I'll close by noting that the KWB would support restricting icebreaking from damaging community travel routes most definitely, as reflected in the HTO positions, and marine setbacks near some areas. Primarily in the Kivalliq at least, the most contentious area for communities would be Walrus Island and Coats Island.

David: Thanks, Warren. Barney? Brian?

Brian: We'll let Barney speak first, and then I've got a question. Thank you.

David: Okay, Barney any comments?

- Barney: Thank you, David. Thanks to Warren, he covered most of them. Another thing that I'd just like to add is the icebreaking. Most of the communities, if not all, they're against icebreaking in the area of the Kivalliq. Also one of the questions or concerns that was raised was the ships arriving too early in the spring, because that's the time that most hunters in the region go out and harvest the walrus. But it's been noticed that when the ships arrive, the walrus move. That's one of the concerns that was raised. I'd just like Transport Canada to take note of that. Thank you.
- David: Thanks, Barney. I'm trying to puzzle my way through this, but the emphasis on a Transport Canada regime seems to be on ship safety and the absence or prevention of pollution – Arctic Waters Pollution Prevention Act. The issue of interference with traditional routes and potential impacts on environmental considerations other than through oil spills, has not been addressed as fully as those other aspects. I think maybe that's an area that Transport Canada needs to evolve a little further.
- For example, you said – or Dale said – TC has no ability to restrict ship traffic in the case of caribou crossings on sea ice. That's troubling obviously from a Nunavut perspective, and it's probably not good enough to say we can't do it. I think the challenge is to figure out how it can be done without stepping on legal toes here and there. That's not an easy solution, but there's got to be one better than saying we can't do anything about it. Vicky?
- Vicky: Vicky Johnston, Environment and Climate Change Canada. Just one other aspect to that I'm wondering about. There are regulations surrounding ship and crew safety. Does Transport Canada have any way to address hunter safety from shipping? Thanks.
- Jaideep: We have self-rules, which are called Collision Regulations. So a captain or navigating officer on the vessel, for him it's the safety of the vessel, and the passengers, and the crew of the vessel, but also the traffic in front of him. So there is obligation for the captain to take evasive actions or to stop to make sure these vessels – all the hunters and trappers, if they are in a vessel – they pass safely.
- It is kind of decided that if you are a small vessel, if you're in a fishing vessel specifically, and you exhibit those lights or you're going for some specific activities, then you have the right of way and the other vessel will be standing by and provide as much passage as possible to ensure that they are also safe.
- David: Yeah, I guess you just to have to translate that into caribou, figure out how to deal with caribou the way you would deal with other ship traffic or people crossing the ice in front or something. Peter?
- Peter: Peter at NPC. I have to ask, so would the Law consider a snowmobile to be a boat?
- Jaideep: Well, I would say otherwise, would you see a snowmobiler in the passage of the vessel? Would you see a snowmobile in the passage of a ship? I don't think so.
- David: Well, I'm not quite so sure about that.
- Jaideep: If we talk about icebreaking, then it becomes a totally different thing.

David: Oh, of course.

Jaideep: Otherwise it's open water passage, you won't have one.

David: You might see a sea-doo out there but not likely a ski-doo.

*(Laughter)*

Alright, Jackie, any comments?

Jackie: Yes, thank you. Jackie Price, Qikiqtaaluk Wildlife Board. My comments have more to do with the presentation from Transport Canada than the options for this section. Actually my comments follow along just with the comments that the Chair just made moments ago.

First of all, I'd like to thank Transport Canada for their presentation. I found it informative and interesting. As an organization that works with the Hunters and Trappers Organization of the Qikiqtaaluk Region, I can assure, or I can speak confidently that concerns around shipping – commercial and tourism, and also private yachting or boating – are huge concerns to our HTOs for exactly the reasons that have been raised by my colleagues from the Kivalliq and also what NPC responded about the importance of Foxe Basin and Moffett Inlet, namely concerns about the disturbance to wildlife and the impacts on the ecosystem.

Speaking of Foxe Basin and Moffett Inlet specifically, as those areas within my region, I can state that the communities surrounding those areas and further out depend on those wildlife and ecosystem year-round. So, those are very, very, very important areas for those communities.

To get back to your presentation, it was very interesting to hear you talk about the overlapping complementary and different roles between Transport Canada, DFO and Coast Guard. I think for a lot of our communities, the understanding of the clear lines dividing them and the way that they complement each other is not well known. Echoing what the Chair said earlier, I would really encourage – and maybe insist in some ways – that Transport Canada expand its conversation reach to include Nunavut communities.

Very little is known about Law of the Sea regulations. Very little is known about the responsibility of safe passage. This isn't because people don't care about the Law of the Sea or safe passage, it's just they've never been engaged in that kind of conversation. Not engaging communities on those responsibilities is unfortunate, and it's leading to a lot of the misunderstandings that we're seeing in this conversation and in anticipation probably the heated debate that would occur in the public hearing from communities. So I think there's a real opportunity for Transport Canada to extend itself to engage with communities directly, and converse with them. Like, please don't send an email and a poster. That doesn't work.

*(Laughter)*

And I can say that, because all of us have done it. What's missing is clear engagement with the community and a willingness to listen to how communities are articulating their concerns, and then filling that gap with the tools and information you have and then being willing to listen to the experience and insights community members have.

As you know, and everyone around the table knows, harvesters and community members, there are a lot of them that travel on the sea and on the ice year-round. They know its personality year-round and through its changes. They know who's traveling up there, so that's a real opportunity. I think I'll leave it at that for now, but thank you again.

David: Thanks, Jackie. Brian, I forgot to get back to you.

Brian: Thank you, David. Brian Aglukark, NPC. I guess on the issue of overlapping jurisdictions, I have a question for INAC, DFO, Transport Canada. The NPC would like clarity on the agency which is to lead on marine transportation policy, marine corridor regulation and enforcement in the ocean, insight Canada's southern boundary. We understand it could be Transport Canada or it could be DFO. So we would like clarity on who is to lead. Qujannamiik.

David: Jaideep?

Jaideep: If I understand correctly, we're talking about the Marine Transportation Corridor Initiative?

David: I think broadly, how do the federal government agencies share jurisdiction?

Jaideep: Right now, the Canadian Coast Guard, DFO is looking after the initiative, but they work very closely with us, because anything they propose, we have to have our input into that. So we work very, very closely.

David: Is it kind of fair to say that Transport Canada is largely or primary concerned with policy versus Coast Guard operations?

Jaideep: In a broad sense, it may sound different. We are the regulators, and they are the operational part of it.

David: Okay. Does that help a little bit?

Brian: It helps a little bit. If it is more so DFO than Transport Canada, if there is going to be discussion about multiple agency meetings and what have you, we would also want to see DFO in person around the table as well.

David: Yeah, and I think that was Transport Canada's observation as well. Stephane?

Stephane: Stephane Robert for the Chamber of Mines. I will let Liz and other members to respond to this and make comments on this point. Thank you.

David: Thanks, Stephane. Government of Nunavut? Amy?

Amy: Amy Robinson, GN. So the GN has no formal recommendation regarding this issue at this time. It should also just be noted for the record that the GN has recommended a Special Management Area designation with seasonal restrictions on icebreaking for caribou sea ice crossings. Thanks.

David: Thank you. Brandon?

Brandon: Brandon Laforest, WWF Canada. Thanks, Transport Canada, for that presentation. I have a few questions. The first one is really simple. I don't want to mince words, but David brought it up. Dale, the words you used were "Transport Canada does not regulate ship traffic for caribou sea ice crossings." Does that mean you currently do not, or does that mean you cannot, or will not? "Does not" is a little vague, I guess. I'll let you respond.

Jaideep: We haven't done that directly from Transport, but we have worked with DFO to put some measures to do that. So right now when we say it's not that, but we can work some initiatives on that. Right now if you ask us does our regulations say anything that you have to take safeguard of them? No. So, you're right on that.

Brandon: Great, thanks. That was a good clarification. I also want to highlight what Ken said, which I think is a really good suggestion and a good starting point for this discussion for NPC on how to engage with this. It seems like from my understanding, NPC could put in shipping restrictions in the Plan, and they wouldn't apply to anything except for projects who are applying to NPC, but it would limit ships actually entering these areas, because they wouldn't get approved by NPC. They would be found not in conformity of the Plan, and it would take a ministerial exemption for them to enter the waters.

So, for example, if Chesterfield Inlet's requests were permitted in Protected Areas, Special Management Area, whatever is implanted around the community, that wouldn't do anything for the ships that currently have access through projects, but any new projects looking to ship through that zone would have to apply to NPC, and then it could be found not in conformity with the Plan. Shipping could be restricted without actually restricting all vessel traffic, or calling into question safety of anyone, because those ships wouldn't even be there to start. So moving forward, it could be a really valuable protection tool to recognize community values on future projects after the Plan.

I think that's what you said, Ken. I thought that was really helpful. Do you want to comment on that I guess?

Dale: Yeah. It's Dale Kirkland, Transport Canada. We have no comment other than it's a great, great dialogue suggestion from both sides. Thanks.

Jaideep: Yep. Just to add onto that, we will be looking into the ships, which are not specific to any projects, like ships passing through the Northwest Passage, so it's a little broader than that. Thanks.

David: Warren, and then we'll get back to Brandon.

Warren: Sorry, very briefly, Warren from the KWB. Thanks for raising that suggestion, Brandon. I think that really helps deal with Chesterfield Inlet's concerns since that's where the majority of increased shipping would probably come from in that area regardless. Chesterfield Inlet isn't part of the Northwest Passage, so we're not going to be seeing Russian tankers trying to get to Western Europe through Baker Lake.

David: Okay. Brandon.

Brandon: And to clarify, I do see it as one step. It's not going to address everything they're saying, but it does seem like a way everyone could start to talk about agreeing about how NPC could regulate shipping at a projects level.

I also would like some more dialogue, if possible – I think everyone's called for it – between DFO, EC, Coastguard and Transport Canada. Specifically when the GoC submission recommends shipping setbacks from certain habitats, which appear to be enforceable or nonnegotiable, and then there seems to be some confusion in other parts of GoC on whether or not they would be amenable to that. So I think that needs some further clarification from the two parties.

Also noted in the 2013 GoC submission, DFO strongly suggests that all marine shipping activity should be not prohibited in polynyas. So there is some conflicting advice coming out of some of the GoC recommendations. I just think, again, this is exactly what everyone is calling for, getting the parties at the table together so we can all understand what is possible and not possible, and what the different parties recommend.

Then I wanted to just quickly – I asked TC, if you are able to comment, you had indicated that the Moffett Inlet and Foxe Basin restrictions, you weren't in favor of them because they are an outright prohibition on shipping year-round, and that's understandable I guess. But you did seem to indicate you may be amenable to seasonal restrictions on shipping. I'm curious if you meant that like we discussed at the beginning as a project moving forward basis? Or if you would be amenable to somehow agreeing and working with NPC to establish no-shipping zones near walrus haul-outs in Moffett Inlet, the part of Foxe Basin... Are you amenable to seasonal restrictions? You seem to be a little more amenable to that. I'm just curious if that's true.

Jaideep: This is a very good break where I can actually understand the issues about Moffett Bay, basically marine mammals, right? So given this information, we'll surely have a dialogue to see what best could be done here. I cannot tell you right now without further discussions.

Brandon: That's great. I think that dialogue – I think it's starting, and I think it's really great. So thank you both for coming to this meeting and being amenable. I do have a question for the DFO representative on the phone, but I'd like to come back to that and finish this discussion? Thank you.

David: Okay, so Deborah from DFO, heads up?

Deborah: I'm here Mr. Chair, waiting for my opportunity.

*(Laughter)*

David: We will be sure to give that to you. There are a couple of more folks here at the table, and then we'll go to the phones. Leslie? Nothing? Luis?

Luis: I will like to hear DFO, if you don't mind and then we'll go to my comments.

David: So, Brandon, why don't you ask DFO the question and then we can have a conversation there?

Brandon: Thanks, Brandon, WWF Canada. I don't know if I'll get an answer to this, but I'd like to get it on the record. I would like to request if possible if DFO could comment on how they intend on using this Nunavut Land Use Plan in conjunction with their 5% goal of protected areas in the ocean by the year 2017? I've heard from a few sources that DFO may be considering ramping up shortly and introducing many new protected area designations, and maybe using the Nunavut Land Use Plan to help reach that 5% goal? If there are any comments on that, I would appreciate it. Thanks.

David: Okay, Deborah, the floor is yours.

Deborah: Thank you, Mr. Chair. It's Deborah Boshaw, Fisheries and Oceans Canada. If I can come back to your question, Brandon. I want to first start by adding a couple of points of clarity. You referred to the item from the GoC 2013 0718, which is on the table of the Considerations for Potential Refinement Document. And the marine shipping activities that are referred to there, they include items such as dropping anchor or dredging in a port. That is what that phrase 'marine shipping activities' refers to there, so I thought that might help to clarify, in part, what point is being made there.

I also wanted to mention that we've had much discussion about various tools to consider. I do want to mention that the Marine Mammal Regulations presents another tool that does have a prohibition against disturbance of marine mammals, except where fishing and harvesting is done, pursuant to the authorities of the legislation. So that may be also something for consideration.

I know that there was some mention of proposing another meeting specific to some of these issues, and I would very much want a time so that Coast Guard could also be represented at that meeting. Tomorrow would likely not be a possible date to arrange for that. But I do think that there are issues that have been identified that do require some further thoughtful discussion and investigation so that we can all develop responses and ways forward on these issues.

Then coming back, I'm not – to your question about Protected Areas and goals around 11 targets, I have heard conversations exploring possibilities, but I would have to investigate that further before I could give any formal response on that. That concludes my remarks, if there are any further questions.

David: Thanks, Deborah. Brandon?

Brandon: Brandon Laforest, WWF Canada. Thank you, Deborah, very much. I appreciate that. I just have one quick follow-up. I didn't quite understand what you were referring to when clarifying the 2013 submission, when it says DFO strongly suggests that marine shipping activities...and then it goes on. Could you just try that one more time for me? I didn't understand the difference between ship traffic and marine shipping activities, as you had defined it. Thanks.

Deborah: Okay, thanks for your question. It's Deborah Boshaw again, Fisheries and Oceans. I'll give this my best attempt here, although this is not my specific area of expertise. Marine transiting is distinct from marine shipping activities, and marine shipping activities are activities associated with marine transiting, but they're different. They involve dredging ports in harbours, dropping anchor would be considered a marine shipping activity. Some other activities...I think perhaps related to discharging of water, that sort of thing. I hope that helps clarify.

Brandon: Brandon from WWF. Yep, that's great. Thank you very much. I appreciate it.

David: And I overlooked Sophia again. Sorry.

Sophia: Sophia with the Nunavut Impact Review Board. That's okay. My question is maybe just for Transport Canada or for Nunavut Planning Commission. You were talking about including potentially restricted - or seasonal restricted – transportation through near Moffett Island and the Foxe Basin. Can you just maybe point out where Moffett Island is, so I can have an idea of what you're referring to?

Peter: No problem.

*(Brief Pause)*

Peter at NPC. You are looking at Moffett Inlet.

Sophia: Okay, so it's up there. And then with Foxe Basin, where would the restrictions be looked at for shipping?

Peter: Peter, NPC. It would be the green polygon, #92.

Sophia: My question for that is just because there is...Baffinland has been approved to have year-round shipping for that area. I believe that's one of their alternative routes. So I'm just curious how that would affect them, since it has been approved? Thank you.

Peter: Peter at NPC. The secondary route would be grandfathered.

Sophia: Thank you.

David: Thanks, Sophia. And back to the phones. Liz, are you on?

Liz: Yes, thank you, Mr. Chair. Just a comment with respect to page 32, the options? We don't really understand Option 1, and it seems to be a new addition that's being proposed. What we do support is free navigation in accordance with the applicable laws of navigation as administered by Transport Canada, and for a project to go forward in accordance with any applicable NIRB terms and conditions, which are applied following a screening or review, as appropriate. Thank you.

David: Okay, thanks Liz. I'll leave it with the NPC which will be working on this particular element of the Plan for a while. Anybody else with comments? Luigi are you out there?

Luigi: Yes, I am out here. Luigi Torretti, Kitikmeot Inuit Association. Jackie's words were quite wise. Here in the Kitikmeot, we're very concerned about island caribou and icebreaking during those critical lifecycles for island caribou – Dolphin and Union, as the scientists call them. I appreciated hearing from Transport Canada that although it is not something that they necessarily have a legal responsibility to do, that there have been instances where they have worked with other organizations, and I believe DFO was mentioned there, in order to provide some kind of, some level of safety for those delicate life histories for wildlife.

I was pleased to hear that TC has worked with DFO, but to me what's missing there is how are the government departments going to work with the communities? There doesn't seem to be a mechanism to encourage a discussion between the regulatory bodies – the departments with the legal responsibilities – and the communities themselves to see what Inuit would like to see in this realm.

I guess the question ends up being, how can Transport Canada, DFO, NPC facilitate this? Actually before that, are they willing to facilitate this? If they are, what mechanisms, what are they going to do in order to facilitate it?

David: Thanks, Luigi. I suspect the first course of action might be to write to the new Minister of Fisheries and make the point. That could be done – quite seriously, it could be done by your organization and others. In terms of NPC and the folks around the table here, any comments from NPC other than you would like to see this happen? I guess I'd point out too, that the public hearing would be another opportunity, but perhaps not ideal.

Brian: No comments at the moment, David. If I'm missing something, I apologize. I'm trying to coordinate two things. I apologize. No comment at the moment.

David: Okay, Dale?

Dale: It's Dale Kirkland, Transport Canada. I just want to offer two brief comments, Luigi. One is on behalf of Transport, I can confirm there is a willingness for the conversation with the communities and the participants in the Commission proceedings. As Jaideep alluded to in his remarks, we've made the recommendation, the suggestion that time need to be built into the busy schedule in the agenda to facilitate a really solid conversation about shipping with DFO, Coastguard, ourselves, and all interested parties in the Commission.

David: Thanks, Dale. Any other observations? Luis?

Luis: Yes, I hear all the comments around the table, and I will suggest just as a comment and help with the NPC approach. To backtrack to the documents filed to the Nunavut Impact Review Board on behalf of the KIA, we look at the ecology of significant marine areas and impacts in regard to shipping. We have a very good conservation in terms of the legislation. It's very, very minimal.

They're done with specific notations in marine shipping. We don't have a contradiction in the marine other than some of the other legislation for marine mammals or impacts. It doesn't impact the proponents in this case – some of the comments were with regard to proponents, especially Chesterfield Inlet. We did a lot of work in that area. It's only related to impacts, but still in the navigable waters, which is contradiction with the federal government and also DFO and Coastguard.

The biggest concerns we have in those screenings was the ballast. We can provide it to NPC. There were no impacts with regard to discharged ballasts in the area of interests in this case – no impacts to mammals at this time. I recognize the importance of the shipping routes today. They will come to deliver fuel, food, and supplies to the communities.

The other part also was there's are terms and conditions in their certificate put to the proponent in regard to tackle our concerns in regard to marine issues – I mean mammals in this case. Until today they've been very successful in the reporting – the proponent, and there are good numbers coming out of those projects that could be looked at to have an idea.

Projects have a cycle. The higher cycle of shipping would be during construction work where we call it 1, 2 or 3, give a half a year in between those. That would be your highest instance of shipping. So really, you're looking at – when you're looking at a project, you're looking and analyzing the data or that cycle when the proponent will propose in the schedule, will very clearly say what construction is going to be. We need to really focus in terms...and in the other areas of conservations. I don't think will impact any of them. CWS has clearly stated. It requires some buffers and some notations, but it's going to be complicated with the actual legislation. We ended saying what we can in legislation. We need to discuss management, right in the plan, proponent specific. The actual formal shipping routes stated in the legislation, we can't change that. Those documents are filed in the NIRB process. It will be good to revisit those documents and the concerns. Thanks.

David: Alright, thanks Luis.

Barney: Thank you, David. I'm not sure if I misunderstood or didn't hear it right. I just wanted clarification from Luis. Did I hear you properly say that there was no impact from the shipping that started since the mining? You guys did a lot of work in that area around Chester. Can I get a clarification?

David: Luis?

Luis: At the time that we assessed the project, we assessed it with the best of the knowledge at that time. So at that time, it was identified there was no possible impact could be in the area. So during the construction, we have the sensitive area of interest that we looked at it to regulate. The proponent has been reporting properly, and we tabulate that information. We did put some terms and conditions in the certificate, and I believe NIRB has been checking those terms and conditions, and it has been coming out well for us in the process. The terms and conditions are being fulfilled by the proponent up to today.

David: Barney?

Barney: Yeah, because for the last few years, not just Chester. Baker and Rankin have been raising this concern, and we still never really had any feedback on that alone, how it has been impacted. I can't see how they can say that there has been no impact when, in fact, it has been raised in a lot of the NIRB meetings, not just the NIRB meetings, but the other Technical Meetings. It has been raised by Kivalliq Wildlife Board. It's almost falling to blind ears I guess. Thank you.

David: Thanks, Barney. I guess I'd invite the two of you to talk further about this if there's anything significant. Sophia?

Sophia: Sophia with the NIRB. Maybe just to answer Barney. I also do have a question as well. We have brought the concerns that we have from the communities and have brought it to our Board for them to look at. They are considering them. I just wanted to reiterate that. It is important to our Board, the concerns that we hear.

Then my question – and I’m not sure if this is to Transport Canada or maybe the Coastguard. I guess what we’re seeing in the Land Use Plan is related to the proposed transportation corridors, setbacks and sort of sensitive areas. But the only way that any of the shippers would know about these areas would be if they receive a conformity determination from NPC. The only way that happens is if the shipping activities is related to project activities that require, that meets the definition of project activity under NUPPAA. Then they would undergo a conformity determination and then go through the process. My question is what about shippers that would not require a conformity determination? How would they know - once the Land Use Plan is approved and everyone agrees on all the areas and the potential transportation corridors and stuff like that – how would the shippers, not shippers but anyone boating or traveling through the marine areas, know about the sensitive areas?

I guess the question would be say, for sailors coming through, we’re seeing an increase in sailing through the Northwest Passage. I know generally they’re smaller boats, but we can see up to 60-foot boats, and that’s quite significant. Having 12 sailing boats go to a sensitive area can be quite sensitive to the wildlife. So I’m just curious, would that be something once the Land Use Plan has been signed off, would Transport Canada or the Coastguard consider including a section in the Notice to Mariners or something like that to let the know? I’m getting yes from Transport Canada. Thank you.

Jaideep: I believe we already gave the answer. Once we have the final determination of what we want to put through, we can work with DFO. Through Notice of Mariner’s sailing directions and those nautical publications, it can be made available to the marinas.

David: Ken?

Ken: Ken Landa, Government of Canada. Sophia, that’s a great question, and that’s one of the things that motivated me to say we need to be distinguishing between shipping associated with projects and shipping that’s not. Because shipping not associated with projects isn’t caught up in the regulatory scheme in the first place. So better information on what ships are causing – what boats and ships are causing – the pressure may tell us that it’s not actually related to this Land Use Plan at all, and this Land Use Plan may not be the right tool at all. The search has to continue. Or maybe this Land Use Plan is part of the solution, but it’s not close to all of the solution. So to even know – I’m sure you’ve got some but not all the knowledge on what boats are currently causing pressures from a community perspective, it would be interesting to know if those are associated with project proposals in the Nunavut Settlement Area or they are tourists.

David: Thanks, Ken. Peter?

Peter: Peter at NPC. As we know, once the Plan is accepted by the Minister, it’s binding on all the signatories. So, it’s not explicitly stated in this document, but as I’m listening to the conversation I’m realizing this split was already half-happening on its own, just because of the nature of the problem at hand.

We have four tools here. The Plan can identify areas of interest, concern, do-not-enter, etc. There are at least four ways to notify mariners, again Notice to Mariners; areas to be avoided registered under the International Maritime Organization; setting up setbacks subject to safe navigation that

may cover over into actual project conformity reviews; and insertions into the Marine Environmental Handbook. One term in a Protected Area or a SMA that's marine-based can be – government will put such-and-such notification into these one or more documents for the life of the Plan, stating X-Y-or-Z.

In addition, Special Management Area or Protected Area regulations may say for projects that involve a new port in Nunavut where the shipping would be covered by conformity, these terms would apply. So, I think we have –I'm starting to see we can hit both birds with one stone here. Thanks.

Vicky? No hitting birds!

(Laughter)

Peter: Hitting two...zebras.

David: Alright, Barney and then we're going to take a break. If there are folks on the phone, we'll pick up the conversation after the break.

Barney: Thank you, David. Barney, Mayor of Chester. I just want to respond a bit to his comment. Before Meadowbank started, we had ships pass through our inlet – three for the community of Baker Lake, and at most two for Chester. Since Meadowbank started, more than 40 ships pass by Chester year-round. That's eight times more than what it used to be, and we have no tourism around Chester. Nothing. Coastguard might come by once every few years, not very often. That's how much I know. I don't know all of it, but that's how much. Thank you.

David: Ken?

Ken: Ken Landa, Justice Canada. So then, Barney, just to draw out what I think is an important conclusion from what you just said, thinking about Chester means thinking about shipping associated with project proposals. That may or may not be true about some of the areas where people are expressing concerns, but it's important to be able to look at each one of those on its individual merits.

David: Okay, Barney, you've got the last word.

Barney: Thank you. Chester was used as an example, so I'll use Chester for facts that I know, because I am from there. I understand there might be differences in different areas, but if you're going to bring up Chester and marine issue, I'll defend it to the end. Thank you.

(Laughter)

David: Thank you. A good way to end this session. We we'll take a 15 minute break. Just a heads-up, we will likely go past 4:00 today. I'd like to get a little more under our belts today. I just want to point out for the record...

Kristin: Can I make a quick note before you go to a break? This is Kristin Westdal with Oceans North on the phone.

David: Okay, go ahead.

Kristin: Just a quick note: Oceans North is going to release a comprehensive Arctic corridor creation and management process this spring. We're looking at probably March or April. We're going to be looking to ask the federal government to create an Arctic Corridors Commission co-chaired by Inuit. Right now we're advocating environmental and Inuit use, and cultural data to be included in this corridor design and management. So look for information coming to this group in the spring.

David: Okay, thanks, Kristin. So we'll take a break, but I just want to note for the record that I have correctly identified Miguel, Luis, and Luigi today for the first time ever. I'm working on it.

### **BREAK**

David: Okay, we're going to move on to the high mineral potential discussion. That's Item #15 in your package. I'll ask the NPC to introduce that. Just for timing and agenda stuff: I'm going to try very hard to get through the mineral potential discussion by 4:30. If we can finish it before 4:30, we'll move on to the overlapping designations...no we've done that. What's the last stuff that we have to do? Sorry I lost track of where we are exactly. Overlapping designations and accessory uses are still outstanding? Okay. So we'll do the high mineral discussion, and if possible, overlapping designations and accessory uses. In any case, we'll wrap up at 4:30.

We'll pick up where we left off tomorrow morning, and I would anticipate that we'll have at least a couple of hours tomorrow to talk about the caribou workshop agenda. I'm going to ask the NPC folks to try to consolidate the comments they received and put up another draft that we can work on tomorrow morning. I think we'll be done by noon tomorrow, but I would ask those folks who can stay and who are interested in the caribou workshop, to stay if at all possible, so we can try to wrap it up tomorrow afternoon. If we can't do it by tomorrow afternoon, then what I'd suggest is Friday morning, and then a working group to polish it. Brian?

Brian: Thank you, David. Brian, NPC. We would also like to discuss the potential meeting related to marine transportation as well. Thank you.

David: And we'll add that to the discussion tomorrow morning. Warren?

Warren: Thank you. Warren for the KWB. The original agenda had space for additional items raised by participants. Is there still a possibility of raising items for that discussion?

David: Yes, and again tomorrow morning. If things don't evolve the way I hope they will, then we may be here tomorrow afternoon too, discussing issues beyond caribou, but we'll try to play it through. Vicky, did you have a comment?

Vicky: Vicky, Environment Canada. I guess I'm a little mixed up. I thought we were talking more about more information about the ins and outs of marine shipping tomorrow. Are we not doing that?

David: I'm confused too. Can I get some direction from NPC on that?

Brian: As far as we understood, the idea was brought up. I mentioned I wouldn't want to do that with DFO over the telephone. I would prefer DFO was around the table as well.

David: So is that what you were talking about, Vicky? The organization of a subsequent workshop and more discussion?

Vicky: Yeah, I didn't understand it was going to be something subsequent. I thought it was going to be tomorrow. So that's something separate then.

David: Yeah, we heard from DFO, for example, that tomorrow afternoon is not going to work. So, I think what we'll do is try to set a plan in motion tomorrow morning. One suggestion has been to add a day to the caribou workshop. I don't know if that will work or not, but that's certainly a suggestion. So, I'll turn it over to the Planning Commission for the high mineral potential discussion. Peter?

## **HIGH MINERAL POTENTIAL**

Peter: Thank you. Peter Scholz, Nunavut Planning Commission. High mineral potential, polygon 167 in the current 2014 Draft Nunavut Land Use Plan: The polygons were provided to us from INAC. They combined geological and economic information in developing those polygons. The Planning Commission is not able to comment on the veracity of those polygon boundaries. We have not received any alternative boundaries, although we have received criticism about what those boundaries are.

In the Draft Plan, they are marked as a Special Management Area. There are only two restrictions proposed for those Special Management Areas. One is for tourism facilities, and one is for conservation areas and new parks. In the submissions leading up to Tech 1 and Tech 2, and in comments received during Tech 1 and Tech 2 – and if my memory is correct, there was consensus – tourism facilities can occur in high mineral potential areas without having negative future impacts on mineral exploration or development that might occur down the road.

Secondly, especially the Government of Nunavut, but I believe Parks Canada as well – correct me if I'm wrong – stated that before any conservation areas or parks are established, those agencies would undertake extensive opportunity cost analysis to ensure that to the best of knowledge that the establishment of the conservation area or park would not remove high mineral potential unnecessarily from wherever those areas are.

If you take those two restrictions out of that Special Management Area, you'll end up with a Special Management Area that says nothing. So, the options in front of us are to either leave it as it is now, or if we do remove those two restrictions, high mineral potential effectively moves to Schedule B and there would be direction to regulatory authorities or information for decision-makers stating, where appropriate, consider the high mineral potential of this area, or something to that effect. Thank you.

David: Alright, thanks Peter. Based on my recollection of the June and July meetings where this discussion came up – and I think it was in June in particular where people, including the mining

industry representatives, were okay with removing the restrictions. It doesn't remove the mineral potential, obviously, but it does enable non-conflicting uses to proceed. Tourism facilities and the potential for conservation area designation – tourism facilities in particular seem innocuous. Conservation area designation would be subject – as Peter has said – to a whole series of assessments. We left it off in June, I think, with a pretty decent consensus to basically remove those two restrictions. So, Canada?

Spencer: Hi, Spencer Dewar, Government of Canada. I've invited Matt Senkow, the Manager of Minerals - he was involved in the development of the geospatial information – to identify high mineral potential. I do believe he's still on the line, and he's available for some questions if anyone has one regarding the delineation. That being said, the Government of Canada is aligned what was said there, and we support Option 2, which is restrictions on new conservation areas and tourist facilities be removed. Thank you.

David: Thanks, Spencer. Miguel?

Miguel: Miguel from NTI. I know that just reviewing this, of course, we had committed getting back to the NPC on subsurface IOL to be included in this area. I still think that's an important contribution, at least for everybody to know the IOL parcels that have mineral interests. So we'll continue to work on that with the RIAs. They have certain commitments to be able to consult with the communities to get feedback about what the purposes were in the parcels in the first place. I do hope that we can have that information to at least contribute.

I understood with regard to conservation areas taking a very long time to develop, just the same would be our preference to be able to add some level of confidence to Industry to be able to preserve some demarcation on maps that these are areas of high mineral potential.

David: Yeah, my understanding is the maps would continue. The Special Management Zone would not basically. So that information would be continued to be available to all parties. It's just there wouldn't be those two restrictions any longer.

Miguel: And we would rather not have the restriction on the tourism. Yes, the restriction on conservation, but yeah, I'm not sure about the meaning of it at this time. We'll take it under further consideration.

David: Sophia, I didn't miss you this time. Vicky or Bruce? Warren? Jackie?

Jackie: Jackie, Qikiqtaaluk Wildlife Board. Just a comment: I think when talking about high mineral potential, this provides a real good opportunity for RIAs and RWOs to engage more directly on these things, considering our different and maybe-complementary or maybe-not views. Thank you.

David: Thanks, Jackie. Government of Nunavut?

Amy: Amy Robinson, GN. The GN is, in principle, supportive of Option 2 or removing prohibitions associated with high mineral potential areas, particularly those related to the establishment of tourism facilities or parks.

Furthermore, the GN still believes that our prior caribou recommendations, particularly pertaining to core calving and key access habitats, be implemented by NPC regardless of overlap with areas of high mineral potential. Thanks.

David: Thank you. Brandon?

Brandon: Brandon Laforest, WWF Canada. I agree with Option 2 and echo the GN in terms of the high mineral potential in calving grounds being moved to a Protected Area status.

David: Okay. Leslie?

Leslie: Yeah, this is another example where our comments didn't make it into the summary at all, so I need to restate that our comments on various occasions, including after the Technical Meeting in July, stated that we believed that calving grounds, post-calving areas, key access corridors, and water crossings should be designated as Protected Areas regardless of their mineral potential. High mineral value should not, basically be seen as the highest – and obviously to others I guess – the best use of land automatically, because if there are other values, they should be considered.

David: Thanks, Leslie. Miguel?

Miguel: Miguel from NTI. If that is the meaning of removing that, then all of a sudden there would not be that separation in the caribou calving grounds. We don't have a position on caribou right now. Maybe this would be a good trigger for us and provide fewer confusing options that we might offer to our Board if that was decided upon, if that's the direction we're going. But I would like to actually hear from the NPC. Is that what that means? If we take away the Special Management Area, then all of a sudden, the calving grounds are considered one whole? Please.

David: I'll turn to the NPC, but that's not my interpretation of it. I think what Leslie was reiterating was the broader interests of the Beverly Qamanirjuaq Caribou Management Board, and that's understood. But in removing those two prohibitions, that doesn't open up, it doesn't lead to the automatic designation of caribou calving grounds as protected. That's a separate discussion. I'll turn to the NPC to follow-up on that.

Peter: Peter at NPC. That's essentially correct. The caribou discussion and the caribou polygons will be evaluated in the future. Breaking core calving areas into pieces on the basis of high mineral potential can be discussed in that caribou context.

David: That's my understanding of it. We will discuss the caribou – directly caribou-related issues – during the workshop and try to come up with some resolution of it. But the removal of those two prohibitions is a separate issue. I think that should be clear enough. Luis isn't here?

? He's just talking to Barney right now.

David: That'd be an interesting discussion.

*(Laughter)*

Yeah, Ken?

Ken: Ken Landa, Government of Canada. I think there are two slightly different versions of the options: one on paper and one being discussed and articulated by David. I think the one articulated by David makes more sense from my perspective. The options on paper talk about removing the prohibitions and then keeping some sort of information for decision-makers. Of course all elements of the mapped items are important information, but I'm not sure that you need any Special Management Area at all, I think is what we're hearing. So it would no longer be a Special Management Area, despite being clearly mapped and clearly delineated. So that's what I understood David to say. That's a little bit different from the paper, but what David said seems to make a lot of sense.

David: Ken, you and I are going to have a beer at some point, and I'll buy it. Alright, Luis, you've missed the discussion but we're on high mineral potential and the implications of removing the two prohibitions, which essentially moves the high mineral potential area from Special Management Areas to Mixed Use Areas. But the mapped information would still be available in the Land Use Plan. It was following up on the discussions we had back in June and July where there was, I think, pretty clear consensus that the two prohibitions weren't consistent with the purpose – weren't helpful – and that the implication of removing those two prohibitions would essentially make the mapped high mineral potential areas Mixed Use Areas, because those are the only two prohibitions. Do you want to digest it for a second? Yeah, okay. So we'll go to the phone. Any comments from folks on the phone?

Vicky: You put them to sleep.  
*(Laughter)*

David: Yeah, my strategy is finally working. We will get through this meeting.  
*(Laughter)*  
Stephane, any comment?

Stephane: Sorry I missed the discussion.

David: It's back to the discussion we had in June and July about the two prohibitions that were attached to the high mineral potential Special Management Areas. Bottom line is that the removal of those two prohibitions – one of which was tourism facilities, and the other was the potential for creating conservation areas – makes the Special Management Area for high mineral potential redundant. Those areas would still be mapped but would move to a Mixed Use designation. That's the only direct implication.

Stephane: Stephane Robert from the Chamber of Mines. Yes, we agree with the Mixed Use designation.

David: Thank you. Luis, any comment?

Luis: I believe our position is number 2, what we had in the previous comments before.

David: Congratulations, consensus again. Must be the end of the day. So the last items on the agenda for today. Jonathan, Peter? Jonathan?

## OVERLAPPING DESIGNATIONS

Jonathan: Thank you very much, David. We're now onto Item 21 on page 39 of the Considerations Document. The issue for consideration is how the Land Use Plan should treat areas where two designations intersect. The Draft Plan states that in some instances, Protected Areas and Special Management Areas may overlap. When this occurs, all requirements of the land use designation – terms, direction to regulators, regulatory authorities – apply.

There were some comments about potential confusion arising from this, from the GN in particular, to sort out these areas where two designations overlap. The Commission is noting that there are some instances where designations intersect and provide complementary management. For example, setbacks for migratory bird habitat intersecting with the National Marine Conservation Area in Lancaster Sound, which includes prohibited uses, but no setbacks. So we appreciate the potential confusion that may arise where two designations do overlap, but we're also recognizing that there may be some benefit in having both apply. So for example, in that Lancaster Sound, which is on the screen the larger green polygon #61, it would prohibit oil and gas exploration and maybe ocean dumping or something, but the surrounding polygons – in particular for migratory bird habitat – might have a variety of setbacks that would also be implemented in those areas, so we see them as being complementary. We're just interested to hear from the rest of the participants. Thanks.

David: Okay, Spencer any comment?

Spencer: Spencer, Government of Canada. We have no issue with having multiple designations overlap. I guess our only caution would be to make sure that there are no conflicts, contradictions within the two designations. Thanks.

Ken: Ken Landa, Justice Canada. We're using there the meaning of conflict, not that there are two things that say something different, but two things that actually contradict each other, where compliance with one would mean violating the other. If something says 'Stay back 10m,' and the other thing says 'Stay back 40m,' we wouldn't see that as a conflict. You solve it by staying back 40m.

David: Alright, thank you. Miguel.

Miguel: Miguel for NTI. From a data management perspective, I can certainly appreciate how normalization is an important facet of being able to do things, so we don't have any problem with the overlaps, as such. Hopefully you've done an analysis to express where those overlaps occur, but we have no problem with it.

David: Thanks. Sophia, anything? Bruce or Vicky?

Vicky: Yeah, we don't inherently - as the GoC position is - we don't have any problem with this. But I would really like to see a map that sort of pinpoints where the overlaps are, simply because I have a sneaking suspicion that some of them are ours, like you just pointed out. So I'd kind of like to just go through the list and maybe offer some suggestions from our point of view, if any are needed. Thank you.

David: Jonathan, you're happy to do that?

Jonathan: Yeah, Vicky. I'd also caution in considering this today that it would need to be considered in light of all other potential refinements to the Draft Plan. So that example in Lancaster Sound is clear in my mind, but if you look at polar bear denning areas, which are vast and overlap with many other designations, if they are staying as Special Management Area, if they're turning into Mixed Use, if they're turning into Protected Areas - all those considerations would need to be run again effectively with a refined version.

Vicky: Right. Maybe after the next version you could give me a list. Thank you.

David: Thanks, Vicky. Warren? Barney? Jackie? Stephane? Government of Nunavut?

Denise: Denise Baikie with the GN. I think basically we're just asking for clarification and it doesn't necessarily support the creation of a new land use designation. To echo what Vicky said, maybe after the redline version to see where a list of the overlaps are and maybe review that and see if we have further problems. Thank you.

David: Thank you. Brandon? Leslie?

Leslie: I have a - sorry, Leslie Wakelyn, BQ Caribou Management Board. Unless I've misunderstood, I have what seems to me a really obvious situation. The overlap between the Beverly and Ahiak calving grounds and the Queen Maud Bird Sanctuary: There's a large area there and there are two distinctive designations. So if we come up with a core calving area Protected Area or Zone that actually restricts activities in a different way than the bird sanctuary does, what happens then? Thanks.

David: Jonathan?

Jonathan: Thanks. I'd just like to note that we applied some logic to the overlaps in that if one of the overlaps was not contributing anything new, it was removed. So in the case of the current 2014 Draft Plan, the list of prohibited uses was the same as those in the migratory bird sanctuary, but the bird sanctuary had the addition of the migratory bird setbacks. So in the 2014 draft, there was no additional information or requirements in the caribou area, so you don't see it illustrated there as an overlap. But you're right. If there were additional measures required for caribou within calving grounds, they could also apply as an intersecting designation in a refined version.

Leslie: So I guess I'll just point out that if there are something like seasonal restrictions or mobile protection measures, that might be a factor.

Jonathan: Yeah, thank you. Noted.

David: Luis?

Luis: We were looking for more clarity in the area, which was given to us. There are overlapping areas between Special Management Areas and Conservation Areas that could be a conflict. Otherwise, they can clarify how they will use it. That's all I have to say. The rest has been answered. Thank you.

David: Alright, thanks, Luis. Folks on the phone, any comments?

*(No response)*

Alright, hearing silence, let's move on to the next item then and the last one for this afternoon: Accessory Uses. Peter?

## **ACCESSORY USES**

Peter: Peter Scholz, Nunavut Planning Commission. So the issue here is the accessory uses. The term 'accessory use' was established initially in the cases where something has been approved. If something minor that is to be added to that thing is proposed, if it's listed as an accessory use, then it saves an unnecessary conformity determination.

For example, let's say there's an airstrip associated with a mine, and the company wishes to extend the airstrip. If runway extensions are listed as an accessory use, then the company would not have to apply for conformity review to do that runway extension.

The primary issue with accessory uses in this kind of planning context is if it's not listed as permitted, it's prohibited. And that means you have to think of any accessory use for all the things that occur in Nunavut, list and define them carefully, and then go through every single polygon in the territory and list them as permitted or not permitted accessory uses. So to make the accessory use function operate would be quite significant.

NUPPAA has come along and has brought on the term 'significant modification.' The way staff are leaning on this case is that if it's a renewal or a continuation or an insignificant modification to a project, it's not subject to conformity review. But if it is a significant modification, then it does go to NPC. It's a much easier way to get to the same end essentially.

The term 'accessory uses' was invented by municipal planners at the urban level. Basically if somebody wants to build a garage or a pool in the backyard, they don't have to get stuck at the Planning Department unnecessarily, because it's something that they are doing in their backyard, and it's permitted anyway. But there are lots more things you can do in the territory of Nunavut than in that small scale. Although the accessory uses are in the 2014 Draft, staff has listed three options based on those concerns.

Number one is to refine the definition for accessory use and for scenarios and examples. As I said, that's a significant effort, which may end up conflicting in some cases with significant modification

under NUPPAA. Number two is expressly list accessory uses as those that do not create a significant modification to a project, or number three, simply eliminate the term 'accessory use' entirely from the Plan. Thank you.

David: Okay, discussion? Ken?

Ken: Ken Landa, Government of Canada. Peter, that was helpful in starting to understand this issue better, but I came into the meeting having read the paper and thought about it, but not yet understanding it. And I still don't think I fully do. But one thing, if I could ask you to clarify, it seemed to me like you were coming from a starting point premise that everything is prohibited until it's permitted, and that might be true in a Protected Area that says everything is prohibited, but the Plan that we have in front of us, there are very few areas where the starting point is broadly prohibitive and then you'd have to look for exceptions. So I'm not sure I fully understand the context that you're thinking about.

Peter: Peter, NPC. The context is explicitly relating to accessory uses. It's not related to anything else we've talked about or any other aspect of the Plan. What it relates to is when you're talking about the application of accessory uses, for every permitted...If some project has been approved and it's going ahead for something they want to expand or change in some way and have it listed as an accessory use, we'd have to have a list of those accessory uses, that it's a yes or a no. You understand?

So if we have an application for say, that runway extension I mentioned, we'd have to look up for that polygon and see if runway extensions are permitted as an accessory use. If they are, it would conform, but we would have to be looking specifically. It's simpler to have the term 'significant modification.' because it's a runway extension – is it a 5m extension, which is basically runway maintenance, or is it a 500m extension, which would probably be a significant modification. Then we can apply. Is that helping you?

Ken: Maybe it's starting to, but I'm not sure at all that we should be thinking about this through the lens of accessory use, but rather what's the scope of a project, and what changes or changes in that project, and how do projects change under the Nunavut regulatory system, those that preexist the application of NUPPAA and were preapproved or were already in assessment, those where the assessment didn't start until after NUPPAA was adopted – rules already exist for how those projects can change post-proposal and post-approval. I'm not sure – I'm starting to suspect it's not the useful term to apply to go down this accessory use path. I'm not saying Canada opposes it. I'm saying as an individual, I'm not sure I fully understand it. But I'm just not sure it's the right approach.

David: Thanks, Ken. Sophia, do you have a comment on this? 'Significant modification' probably rests with NIRB as much as anything.

Sophia: Sophia with the Nunavut Impact Review Board. Under NUPPAA, it directs that if a project proposal has significant modification, it should be assessed under NUPPAA, and so it should go to NPC before it gets referred to the NIRB. Who makes that determination? I think we're still struggling with that, because it's not quite clear in NUPPAA. So is it the proponent who makes that determination that it's a significant modification and then they would send their application to NPC? Or is it NPC that makes that determination? So we're not quite clear on that, but I can see

that it's already in NUPPAA, so it's already directed on what we should do. But who it is, is not clear. Thank you.

David: Just from my perspective, the definition, the term 'accessory use' doesn't really help. It comes down to significant modification or not. So I guess my knee-jerk reaction is Option 3 looks good to me. Why even refer to it? And I kind of think that's where Ken was leading. Okay, Brian?

Brian: Thank you. We weren't really quite clear where Ken or Canada was standing. That's kind of based on assumption. I would prefer clarity on that. Thank you.

David: Well let's go around - Ken do you want to respond?

Ken: Thanks. I just couldn't hear what Brian said.

David: Brian would you repeat it?

Brian: Yeah, we weren't clear on what Ken said.

*(Laughter)*

David: I guess what it comes down to is – and I think Ken stated it best at the end. Canada's not convinced that the use of the term 'accessory use' in the Land Use Plan is helpful, given that the term 'significant modification' would incorporate the potential of an additional modification being significant or not, and there's a process for determining that. The process is still being refined, but a proponent would indicate that there's a change in the project. That change – that description – would go to NPC. NPC, in conjunction with NIRB would make the call as to whether that's a significant modification. If it isn't, I suspect no big deal. If it is, then NIRB takes it from that point.

Brian: Brian, NPC. So for clarity, Canada's position is Option 3?

David: No, I think Canada's position is not yet defined and needs to think about this further.

Spencer: Spencer Dewar, Government of Canada. Canada's comment was...I guess we thought the definition should be changed. But the concept of accessory uses – correct me if I'm wrong - was to sort of give some clarity that accessory uses wouldn't be considered significant modifications so that there was some clarity for proponents that they knew they could do smaller, more ancillary type projects without triggering the significant modification. Isn't that the intent of accessory use in the Draft Plan?

Peter: Peter at NPC. I'll try to explain by example. Let's say Meadowbank – it's a mine – and they need to build a toolshed for their shovels. Most parties would agree that's not a significant modification, but it's a 3-foot by 4-foot building. Now let's say they also want to build an explosives shed, which is also 3-feet by 4-feet in size. Is that a significant modification or not? We'd want to have that listing. When you just use the term 'significant modification' as it exists in NUPPAA, then you can apply that principled approach, and you can come to a determination.

Ken: Ken Landa, Government of Canada. So to take that example – and let's not use anybody's mine – let's use a fictional mine...

- Peter: My apologies.
- Ken: Accessory use is about making something that would otherwise not conform, conform. So what is the prohibition that you need to undo by saying, but accessory uses are permitted? So let's take a municipal example. A municipal zoning area says, "This is residential and the only thing that can be built here are single dweller residential homes and accessory uses." You need to say, "accessory uses" because you're highly prohibitive, but you also want to allow people to put on a backyard work shed. If you're not in a highly prohibitive zone, you don't need a basket clause to say things that are logically connected to the first thing are also approved. You only need those highly prohibitive zones, so I guess when I say I'm not convinced this is necessary, it's context specific. So if we were dealing with a highly prohibitive zone and was said everything here is prohibited except one thing, we would want to be able to say those things not listed but logically connected to that one thing – those are also permitted. So, that's what I'm getting at. I hope that helps. I don't know if it does.
- David: Yeah, and I guess once a project has been approved by NIRB and it gets a certificate and a surface lease and whatever else, the activities on that lease are regulated. If somebody wants to do something different that may be inconsistent with the permission that they've received, then they talk to NPC and NIRB, and a decision is made about whether that's a significant modification. If it is, it goes to NIRB. If it isn't, we're done. The term 'accessory use,' in my attempt to think about things simply, just confuses me, and I'm not quite sure what the benefit is. But that's just my opinion. Miguel, anything? Vicky, Bruce anything? Warren? Barney?
- Barney: Thank you, David. Barney, Mayor of Chesterfield Inlet. I was going to bring this up when we were in the existing rights discussion, but since we're in project proposals anyway, I'm not exactly sure so I'll raise my question and concern to whether it's GoC, NIRB, or the RIAs. Would you guys consider putting on hold exploration permits until at least the Land Use Plan is put in play? I'm only concerned that we might see hundreds of permit applications flowing before the Land Use Plan is put in play. That might be something for you guys to think about overnight or something. Thank you.
- David: Alright, I'd suggest people think about that overnight and get back. We'll talk about it tomorrow morning. Any comments, Jackie, on this specific issue? Stephane?
- Stephane: I'm the same thing as the Government of Canada. I'm a little bit confused with this accessory use. I will take an example that we will be in a hearing in March for that. So we have in our property that we already lease, we want to add a small bit, and this bit is in a small lake, and that was not included. So we passed through the process, and NIRB says okay, this is a significant change and you have to amend your project certificate, and we go for it. So I don't understand what will - the same thing when we went for an extension of the airstrip. We passed by the project. We went to NIRB, and NIRB arrived and said, no, this is not a significant change and you can go for it. So I don't understand what really mean with that, and my position should be Option 3: eliminate this from the Plan.
- David: Okay, thanks Stephane. Government of Nunavut, any comment on this? Amy?

Amy: Amy Robinson, GN. Our prior comments would support Option 1, but based on discussion today, further thought is required. We also ask for clarification as to connection with GoC's ancillary rights uses recommendation. Does NPC or GoC see one replacing the other? We will consider all options presented in our subsequent submission. Thanks.

David: Any comment from NPC and Government of Canada on the ancillary rights link if any?

Ken: Ken Landa, Government of Canada. The terms sound very similar. They're trying to get at different things. I think once we know better where we're going with accessory uses, we can maybe think about whether ancillary rights is – maybe it is the best terminology, maybe it's not. But I think they are separate issues.

David: Okay, Brandon, Leslie, Luis?

Luis: Luis Manzo, Kivalliq Inuit Association. Seeing the facts and the comments from the table, either option refinement or the concepts in the Option 1 maybe. Continued discussion, we went through this process. It's kind of expensive and onerous to a permit that's already extended with the purpose of mining, for instance. I'm just looking for a logical perspective of how the land in which the whole project will be fit into it.

If another amendment needs to be carried out, we can go out of that footprint with high impact we already assessed in the environmental review. This should be moved forward as quickly as possible. So if the concept of ancillary was to voice planning projects, this is one issue that starts at the beginning of the project. But if it's to capture any changes in it, they really have to define those options that really cause an impact.

For instance, they're going to double the daily disposal, we say okay go for a full-blown part 5. But if it's just going to put a road to get access to an area of exploration in the same location, they already have an impact. The mining already has an impact in that location that we assess. And they want to do an exploration, which to me is not an impact at all, because you already have the mine there beside that, right? That particular block is being set aside for any stretch of that mine. So I will go for part 3 in that the case if any changes, unless it's a considered a significant change, like extension of the tailing disposal or duplication with production of the mine in terms of running the tonnages at the mill, and things like that will have an impact.

But to have access to the same ground that is being designated for mining, I don't think we have that in the production list. Miguel, if you can confirm it. Because all the rights are granted and the mineral rights for extraction, so preventing that after you sign a private agreement is kind of difficult, because you already grant the whole rights to the proponent. So it's kind of difficult. We need to define what those changes are really going to impact from the environmental review done at the beginning. If there's no upside of that footprint, I will say number 3, or more clarity to number 1.

David: Okay. Folks on the phone, any comments?

*(No response)*

Okay, well I think NPC has food for thought on this one, as it has on several other ones. My concluding comment on this is, if you don't need it, don't add it. And if there's a process for determining whether a proposed addition to a project that has been improved, there's a significant modification process. I don't know that the accessory filter adds anything to it. But again, that's just my view. Alright, so it's 4:32. We're late. Let's get out of here and get back at 9:00 tomorrow morning.

I'd ask people to start thinking, if they haven't already about the additional issues they'd like to discuss, and we'll cover that first thing in the morning and put up a list on the board and go through them. Okay, thank you.

## **Meeting Adjourned for the Day**

### **DAY 4 JANUARY 21, 2016**

David: Good morning. I thought we'd start out with items that people want to discuss, followed by the caribou workshop agenda. Based on that, I think we'll be out of here at noon or thereabouts. Okay?

I know Warren has added a few items to the list. I don't know if anybody else has any items they want to discuss, but if they do, we'll get to that next basically. So, a quick overview of where we ended up yesterday: We started the discussion with the IQ item, and I think while there was no particular decision made, it was certainly emphasized the importance of IQ in making sure that the Plan adequately addressed IQ, not just in this first generation Plan, but as the planning goes forward. The knowledge, values of vision of Nunavummiut need to be front and center in the Land Use Plan.

Transboundary issues: Again, I don't think we reached a particular consensus there other than to recognize and acknowledge that the Plan needs to stay within its mandate. It needs to avoid duplication with existing transboundary processes, and perhaps focus more on wildlife – migratory wildlife – and perhaps water, rather than specific projects, might be one way to address the jurisdictional issues.

High mineral potential: There's a consensus there that Option 2 is the way to go.

Linear infrastructure terrestrial: Good discussion. I guess I'd characterize it as a significant narrowing of difference with a general support for Option 1 subject to further discussion.

The marine transportation, marine corridors issue: Again, a good discussion with a narrowing of differences. We cleared up a few gaps, I think, or misunderstandings perhaps. But fundamentally,

not much progress is going to be made until the key parties get together and spend some time walking through the issues and sorting out how the Plan can best address the regulatory realities and the needs and aspirations of Nunavummiut, and the environmental considerations, which to some degree at least have not been the priority when it comes to marine legislation.

Overlapping designations: There's a consensus, I think, that overlapping designations is not an issue unless there is a conflict in the designations, a clear conflict. And in that case, it's essentially a case-by-case review.

Accessory uses: I think the bottom line there was if you don't need them, don't have them. If accessory uses aren't necessary to be explicitly identified in the Land Use Plan, then why bother? It seems that the significant modification and further discussion between NIRB and NPC is perhaps a cleaner way to address that concern. But again, there was no clear consensus there.

## **ADDITIONAL QUESTIONS AND CONCERNS REGARDING THE DNLUP & INTERNAL PROCEDURES DISCUSSION**

David: Is there anything people would add to that quick overview? Any disagreement? I guess overall, my observation is that while people may not have had adequate time to fully prepare for the meeting, a lot of progress has been made. A number of issues have been addressed with consensus on some of them, and a path forward on others. I think the differences have been narrowed, but there is a fair bit of work to do.

I would really urge the parties to get their interventions, their comments to the Planning Commission on the due date. That schedule has been confirmed, again. Because without that information, the Planning staff are going to do their best, but it may not be what people are looking for, and certainly the Commission itself will be in a bit of a bind. The broader the consensus and the clearer the message is, the more helpful that will be.

So I know people are busy, but for the next few weeks, I'd suggest that you might want to be focusing on getting that job done. Okay, Warren had a couple of comments, a couple of areas that he wanted to follow-up on. I don't know if there is anybody else that has anything further to discuss. Leslie?

Leslie: Hi, Leslie Wakelyn, BQ Caribou Management Board. I just want to make a general statement about the caribou workshop just to have it on the record. It's basically from the Executive Director of the BQ Caribou Management Board, and I think we've raised it before, but I just want to make it clear.

Basically his point is that more meetings are merely forestalling tough decisions and not a reasonable process for organizations with limited time and money. So this is in recognition that the workshop has been called for this fiscal year, and organizations like ours, and probably the RWOs, don't have budgets for them. That should be recognized and discussed as part of the workshop discussion this afternoon or whatever.

David: It will likely be the bulk of that discussion will happen this morning. There may be some opportunity this afternoon for people to continue the discussion. And the date is set. I omitted to mention that. It's the 7<sup>th</sup> to 9<sup>th</sup> in Iqaluit. As we've discussed earlier, there are pros and cons to yet another workshop, but there's a pretty strong feeling in the room that another workshop is necessary. Recognizing that there are resource limitations, we'll see what we can manufacture. Alright, Leslie?

Leslie: Leslie Wakelyn, BQ Caribou Management Board. I had a couple of other points. So in addition to the ones that Warren had raised as additional planning considerations or process considerations, which we certainly support, we would also like to see further discussion on setting a date at which tenures would be considered existing. Because in the GoC paper, they mention that the discussion would be needed, and we agree. We don't think that's a good idea to put that off. We need to discuss it sooner than later due to the nature of the issue.

In terms of existing rights, we'd like to put on the table the idea that at a minimum, prospecting permits should be removed from the existing right discussion. We can talk about why later I guess. So I guess those are our main points, in addition as I said, to the ones Warren raised. Thanks.

David: Thanks, Leslie. Anybody else at this point?

Deborah: Mr. Chair, it's Deborah Boshaw at DFO. I'm wondering please, if you could advise us to the date of the caribou workshop again. I don't know if someone isn't on mute who is online, or if there is something keying very close to the mike, but I'm having a bit of trouble hearing this morning. So, I want to ask again if we could have the date for the caribou workshop in Iqaluit. I also want to thank NPC for setting up the teleconference capability. I really do appreciate that, as I was intending to be present in person and was not able to in the end. So I do want to acknowledge that we do appreciate that.

David: Thanks, Deborah. The workshop is March 7 to 9 in Iqaluit.

Deborah: Thank you.

David: And there has been some discussion – nothing resolved – but the meeting of the agencies involved in marine transportation, there has been some suggestion that a day be tacked on to the workshop or that the caribou workshop be just a two-day session and a third day be devoted to the marine transportation discussion. Maybe we can refine dates today for that as well.

Deborah: Sounds good.

David: Okay, Warren, do you want to take it away with the issues that you'd like to discuss?

Warren: Sure, thank you. Warren Bernauer for the Kivalliq Wildlife Board. I thought it might be useful in terms of forwarding the discussion if we could talk about a bit more about the NPC's procedure for reviewing the Plan. I wonder if there is any option to...is there any wiggle room for the procedure that's in place to involve the Inuit organizations, the RWOs and the GN in the periodic reviews of the Plan? Thank you.

David: Thanks, Warren. Brian, do you want to take that?

Brian: Thank you, David. Brian Aglukark, Nunavut Planning Commission. What we'd like to do in response to that question is put on the screen our internal procedures and speak to those. Then we will attempt to answer his question on whether other agencies can be involved in that process. Qujannamiik. I'll give it to Jon.

David: Okay, Jonathan?

Jonathan: Okay, thanks David and Brian. So as discussed, we have approved internal procedures. The Commission approved these last year. Although we haven't actually implemented this periodic review procedure, it's what we would use to govern our internal consideration of the need to conduct a periodic review.

If we can scroll down, there's a couple of different sections. But the procedure, I guess 1.1, if you can go back up...may conduct a periodic review of the Land Use Plan as it considers appropriate after the date the Land Use Plan is approved. So there is no requirement to conduct a full periodic review on any date. We're keeping it open to a periodic timeline. But if you can continue down to 2.1, it says every three years following the approval of a Land Use Plan, the Executive Director will assess a variety of factors to determine whether there is a need to conduct a periodic review of the Land Use Plan in the following fiscal year. So a lot of this comes down to budgeting and work planning, so every three years we'd consider the need in order to line up the funding and work plan required to conduct a full periodic review.

So there are a number of different factors, a lot of them related to project proposals we received, so the number and nature of applications for proposal proposals for conformity determination, the number of amendments that were accepted or rejected, the number and nature of minor variances that were granted or refused, the number and nature of projects found not to conform to the Land Use Plan...So a lot of this, again, is very much of an internal nature. Considerations of the amount of projects that were referred for cumulative impact concerns that could lead to the need for changing some content of the Plan if we're continuously doing cumulative impact referrals in a particular area.

Part F is starting to get a bit more broad – the extent to which the policies, objectives, and goals of the Land Use Plan are being achieved through implementation of the Land Use Plan. Part G is starting to get much more broad – the emergence of new concerns in the Nunavut Settlement Area. So at any time, a person or agency or department can identify new concerns to the Commission, and they would be considered under this procedure.

The emergence of policy initiatives that the Commission or the emergence of relevant policy initiatives from a planning partners – again, if planning partners are conducting new policy development – that would be considered every three years and the need to consider that in the development of the Plan. Any feedback or recommendations included in the Commission's annual report on the implementation of Land Use Plans, prepared under a separate internal procedure.

Part J, I think as well would help in this process in some of the concerns that have been raised. It reads the availability of new data on the Nunavut Settlement Area, including updated statistical information, wildlife data, emerging economic opportunities, or trends in the Nunavut General Monitoring Plan. So again, if new information is becoming available in the interim, then that

would factor heavily into the need to conduct a full review of the Plan. Finally, Part K reflecting a bit of reality, the availability of funding dedicated to a periodic review.

So following the consideration of all those items, a report will be prepared recommending to the Commission whether or not a periodic review would be or should be undertaken in the following fiscal year, and that would be up to the Commission to make a final decision on whether to carry out that process. Then if the decision is to undertake a periodic review, a work plan and budget will be prepared, a terms of reference to identify key phases in timelines of the periodic review, including a process for reviewing the broad planning policies, objectives, and goals...to identify the purpose of the periodic review and the issues to be determined by the Commission and provide any other information regarding that. Of course, if the periodic review goes ahead, there could be a public hearing, which would be governed by our existing rules. And finally noting that the approval process for any revised Plan that's prepared under periodic review would go through the same approval process as the original Plan.

That summarizes sort of this process we go through to first assess the need for a periodic review, and it's an internal process but very much governed by external input as well. So if any participant or individual flags the emergence of new information or new policy objectives, this would weigh in to whether or not there was a need to conduct a periodic review, as well as our own monitoring of internal processes regarding cumulative impact referrals, plan amendment requests, things of that nature.

So in addition to that periodic review internal procedure, we also have a procedure for amendments to land use plans. As we noted before, at any time, anyone affected by a Land Use Plan can request an amendment, so you wouldn't have to wait until a periodic review was undertaken in order to have an amendment considered.

Section 2 of our Internal Procedure for Plan Amendment, we encourage proponents of a Plan amendment to contact the Commission in advance of submitting the proposal, set up initial meetings, and discuss the content of the Plan and how things might unfold. At that meeting, the Commission would further advise the proponent on the process that would be gone through and the information that might be required. There is an initial consideration – is there anything below that, Peter? Section 3 – so there's a requirement following the initial meeting. It's an informal meeting. The proponent will submit an application describing the nature of the requested amendment.

We have a requirement for within 7 days of receipt of the proposal for staff to conduct an initial consideration to determine the completeness of the application. Of course, we can ask for additional information if it's incomplete. So if the application is considered complete, we go into an initial consideration. We upload it onto our public registry. Yes, that's an important requirement, 4.4: Proposed Plan amendment applications must be received at least 60 days in advance of an in-person Commission meeting for it to be considered. If it is not received within that timeline, the application will be considered at a subsequent Commission meeting. So we are committed to reviewing these with the Commission in person, and we require a 60-day timeline of receipt of the proposal to be considered at that upcoming meeting.

If an application is received within those 60 days, a report will be prepared, including the proposed amendment and an initial analysis of the proposed amendment based on the intent of

the Land Use Plan and any guidelines contained in the Plan or the Land Claims Agreement. The Commission may invite the applicant to be present at the meeting where the proposed amendment is being considered.

As soon as practical after the Commission meeting where the proposed amendment is considered, the applicant will be advised in writing of the decision by the Commission that either the proposed amendment is not consistent with the approved planning policies, objectives or the purpose of the Land Use Plan, and the Commission has recommended it be rejected in whole or in part; or the proposed amendment is appropriate with no public review required and the Commission has recommended it be accepted.

Now that might be an example of the creation of a national park, for example, something that's not controversial. It's already gone through the process, and it's more of an administrative procedure. We can't imagine a lot of controversy around it, but we still have to go through a process to amend out Land Use Plan to remove our jurisdiction. So that would fall under Part B. Or Part C: The proposed amendment requires a public review before a recommendation can be made. So it could either be ruled out outright if it's entirely inconsistent with the Land Use Plan after initial consideration. If it's entirely consistent and required by the Land Use Plan, it could just go ahead quickly, or perhaps more likely, a public review is required.

So, again, if the Commission determines that a public review is required, the entire review will be conducted according to our rules of procedure for public hearings and public reviews. That, of course, provides opportunity for public input through the consideration of the amendment.

Following that, if the Commission determines that a public review is not required, the Commission will require to the Federal Minister, the Territorial Minister and the DIO that the proposed amendment be accepted or rejected in whole or in part. The same process would occur following a public review if that was required. We will, of course, provide written reasons for our recommendations and include those on our public registry.

Finally, the final decision will be governed by the process as outlined in NUPPAA for the approval of Plan amendments. And we're required to, of course, post notice of the amendment once it is complete. So it's important to note I guess as well, finally, that a Plan amendment can come from a project proponent – so a proponent proposing to conduct an activity that's not consistent with the Land Use Plan. They are able to request a Plan amendment to allow that project to proceed, as well as any person, department, agency that has new information or new considerations available to it. They are able to request a Plan amendment to change the terms of the Plan as well.

We have flowcharts governing this process as well, if they might be helpful for review. But I guess I'll just stop there and see if there are any questions.

David: Okay, and I'll anticipate at least one question. In the course of all of this, a lot is held internally. Specific to Warren's question about the three-year periodic review, I didn't see anything in there about a call for, a specific call for comments as to whether a periodic review is warranted.

I think that's maybe a part that's missing, that there should be some milestone built into the internal review that says, "Please provide written comments by a certain date so we can consider them in the course of our internal review." Vicky?

Vicky: Vicky Johnston, Environment Canada. Exactly. Some of the comments and discussions I've had with others around this table have been that there's a sense of unease about the whole periodic review, because it's hard to see where people outside the Commission staff can comment. I would suggest that appropriate places for a callout for information input, comments, would be with regards to Subsections F and J of the list of things that the Commission was going to look at during their internal review. Thank you.

David: Thanks, Vicky. Miguel?

Miguel: Miguel with NTI. Yeah, I agree with what Warren was saying initially. Regardless of procedures, it seems to me the NPC could commit to a periodic review at this time. And we believe it would be beneficial to the process in us being able to go back to our Boards when they go, "How is this going to work? How well is this going to work?" We have to respond, "Well the Plan isn't perfect yet." We all acknowledge the Plan isn't perfect. So for them to accept that it's not a perfect Plan, it seems to me for us to be able to commit to a periodic review sometime in the future for what we have acknowledged as a first generational Plan, seems to be a reasonable request, although it's a lot of work. But then it would be a lot of work for all of us. Please consider it anyway. Thank you.

David: Thanks, Miguel. I guess that ties in with Vicky's comment about if the Commission is going to do an internal audit, if you like, of the need to conduct a public periodic review, then there should be somewhere in the timeline a call for input, at least that. I mean, it may be that the Plan is good enough. And a periodic review plus a public hearing is going to be an expensive process.

So, I would suggest that among other considerations there be an explicit call - not just the Commission reviewing all the material it has received over the previous three years - but an explicit call. Then the Commission can make a decision about whether a more public process is required, and that would be reflected in the report that is required. But I just find that from my personal perspective anyhow, it's a bit internal, a bit ad hoc. There needs to be a date and a trigger to trigger the opportunity for organizations, individuals, whatever, to focus on whether there is a need in their view. Any other comments? Warren did you want to follow-up on this?

Warren: I agree with both yourself and Vicky. I think if that policy was amended or altered slightly to provide for public input, hopefully with any submissions around the need for a review being placed on the public registry so different parties could read one another's submissions and respond to them before a decision is made, I think personally that could go a long way towards easing some of the concerns about the perceived lack of flexibility of the Land Use Plan. You know, we're all operating under the assumption that land use planning is a flexible tool, so if my Board could see that there would be periodic opportunities to provide input around the need for a periodic review, it would help a great deal. Thank you.

David: Denise?

Denise: Denise Baikie with the GN. The GN agrees that clarity is needed regarding the provision of a specific opportunity for planning partners and all other parties, and the public Nunavummiut, to provide their input for need for a public review, and specific topics to be considered. Thanks.

David: Thanks, Denise. Barney?

Barney: Thank you, David. One of the concerns I think would be that if it's going to be reviewed only internally within the Board and an amendment is made, it might affect another department. I think that's one of the reasons it would be ideal to have public review, at least every five years. That way any certain departments will be affected by a certain amendment when it comes down to that if it's reviewed only internally. I think that's one of our concerns. Thank you.

David: Thanks, Barney. Another thought that just popped into my mind was that there is a stage at which the Commission issues a report, basically an assessment of whether in the Commission's view, a public review is required. You could release that report as a draft and request comments. Then people could critique it and provide the Commission with their response to that report. That could help. It would all have to be sequential. Brian?

Brian: Thank you, David. Brian. We're going to have our legal counsel respond to that comment.

David: Alan?

Alan: Alan Blair, Legal Counsel, NPC. Good morning and thank you all for your comments. These are excellent comments to help the Commission refine their procedures. It's probably useful just to put the context around these procedures.

The Commission has been in existence for a number of years, but these procedures are all brand new last year. They've never been road-tested of course. We can't have had a periodic review of a Plan, because we don't have a Plan. So the procedures are put into place to help guide the Commission moving through this process leading up to the Plan, and indeed the periodic review process was forward-looking to make sure we had a process for discussion just like this. Because, as we're asking parties to sign off on a Plan it's reasonable for people to know how they might review the next one. But we've never actually had an opportunity for an external discussions about these procedures, so these are welcome comments.

Remember the first one that Jonathan went through was the internal procedure – the NPC's internal procedure – and how they might consider a periodic review. That's quite distinct from the Commission internally deciding. If you remember the list that Jon was going through, most of that was external input that was being weighed by the Commission to decide whether or not an internal – or rather a periodic review should be undertake and why and what the thresholds would be.

I think the useful comments were that there may be some specific thresholds or dates or events added to that list to make sure that external parties know that at a certain point in that review, they will be given a callout, I think was the expression. That's a useful adaptation that can be made to these procedures. I'd also say that these procedures are available, I'm told, online. They've been translated, so everybody can read these procedures.

Lastly, these procedures were put in place as part of a discussion we're having around the first generation Plan, but also in anticipation of NUPPAA, so these were already drafted last spring, recognizing NUPPAA was coming in. Then indeed, we've been looking at them, trying to find the time to look at them to make sure they are NUPPAA compliant. So they were designed with NUPPAA compliance in mind. Now that we have NUPPAA, we're trying to ensure they remain

NUPPAA compliant. So these discussions are welcome now, and indeed really frankly, welcome at any time. So go to our website. Look at the procedures. If you have any suggestions, they are always welcome, but they've never been tested yet. We haven't had a chance to review a Plan, because we don't have one yet. Thank you.

Oh, I'm sorry. One last point: This is all tied up in funding, of course. It's quite well known that public hearings cost money, and the Commission has made that plain. We haven't had to undergo a territorial-wide public hearing ever in our existence. The budget is in the millions of dollars. One can see that's just not money that can be found on an ad hoc annual basis, so a periodic review would also budget constraints, both for ourselves and frankly for many of the people and agencies around the table. So periodic review also has a price tag, and the funding issue an integral part of review for all of us I think. Thank you.

David: Spencer?

Spencer: Hi, Spencer Dewar, Government of Canada. Coming out of the first and second Technical Meeting, NPC put the internal procedures out for comment. When you reopened them for the NUPPAA review, did you incorporate the comments that were received, or do you intend to?

David: Jonathan?

Jonathan: Thanks, Spencer. This is Jonathan from the Planning Commission. We have received comments from the Government of Canada. If memory serves, that was the only participant that provided comments. Those comments were incorporated into the existing procedures, but they have not yet been brought back to the Commission for reconsideration or comments incorporated from other participants. Based on this discussion, that might get moved up the priority list.

Spencer: Thank you.

David: Brian?

Brian: Just a quick point. Thank you. Brian, NPC. These procedures do require Commission approval, so we're still waiting for that to happen.

David: Alright, thank you. Any other comments on this item? Anybody on the phone?

Rosanne: Hi, it's Rosanne from QIA here. I think I got on midway through this discussion this morning. Sorry. So I'm not sure if this was discussed or not, but I did hear Vicky's comments and Warren's comments. From our perspective, I just wanted to add that there are some cases, I guess, where it's confusing for me to know how to explain it to communities.

If there's a certain kind of designation in the Plan or prohibitions that apply to it, if those are going to be kind of long-term or forever, it could be seen differently than if within five years that designation could change or through community input there is flexibility to amend certain prohibitions that might apply or certain designations; i.e. like if there's a Protected Area designation on an area and what happens if five-ten years down the road, there is a potential for development in that area and they would like to have access in the future, but maybe not within the next five or ten years?

I'm just trying to understand if that is something that communities should be taken into consideration when we explain these designations that apply to Inuit owned land. That is where, if there was a set review period, it would help I guess to foreshadow when and how long in the future that those options could come up. I know that I guess amendments can be brought forward at any time, but the periodic review would give a bit of certainty as to the timeline. And I'm sorry if that question was already answered previously, but I was just wondering how. If the Planning Commission could provide us any guidance as to how to explain that one when we're in communities.

David: Thanks, Rosanne. Just from what I heard, the opportunity to amend the Plan is always available. Jonathan outlined that process, that procedure. It's on the website. But I'll turn it over to the Planning Commission to add.

Jonathan: Yeah, thanks David. This is Jonathan. Thanks Rosanne. Yeah, I think the combination of the two has been noted. A Plan amendment – if something changes and there is a change required, you can always request a Plan amendment. We have a 60-day period before an in-person Commission meeting for consideration. There's a process for that. I guess everyone recognizes that. And yes, comments have been noted that there might be benefit from having a set time period. Those comments have been noted. Our current procedure is to consider the need every three years. But yeah, through a combination of Plan amendments and periodic reviews, the Plan is intended to be flexible. Thanks.

David: Thanks, Jonathan. I guess in this case, people are looking for more predictability rather than flexibility, at least in terms of the periodic review. Amy?

Amy: Amy, GN. I'm just wondering, could clarity be achieved in this issue by expanding or setting specific milestones beyond what is in the internal procedures, within Section 7.12: Periodic Review and Monitoring of the Land Use Plan? So could the specific milestone where NPC would request external comments to assess whether or not a review is necessary, could that be identified in this section of the Plan?

Brian: I didn't hear her.

David: I think it's a similar question to what others have raised. Is there an opportunity in the procedures to insert specific milestones or a specific milestone, a particular point?

Amy: To clarify, what I'm asking is can what's in the Plan concerning periodic review procedures go beyond what's in your internal procedures document? Thanks.

David: So can you build into the Plan itself a milestone for periodic review?

Brian: We will definitely consider that. I think at this moment, the Commission doesn't really want to commit to a decision. I don't know if that makes sense but we will consider it. Note taken.

David: So the answer is they've heard you, and they'll consider it. Any other comments? Anybody else on the phone? Actually this might be an opportune moment to ask for a roll call for those on the phone. I know Rosanne and Deborah are. Is anybody else out there?

Liz: Liz Kingston with the NWT-Nunavut Chamber of Mines.

Dwayne: Hi, it's Dwayne James with DND.

Chris: Christopher Morton, Indigenous Northern Affairs Canada.

Adam: Adam Downing, Transport Canada.

David: Great, thank you. Warren, your second point?

Warren: Thank you. Warren for the KWB. There were some more issues concerning existing rights that we kind of ran out of time and didn't get to finish discussing them. Leslie raised one of them just a moment ago, so we might as well start there, which is basically where's the cutoff date where proposals won't be grandfathered or exempt under this new Plan?

I have to admit some frustration here, because I know Leslie raised this at the meeting last June or July I believe – last summer. So this has been on the table. This Plan is moving forward. There are still people gaining more rights to this area. Like the date should have been last summer, quite frankly. What's the next steps? How can we move forward in this discussion from here?

David: Spencer, do you want to take that?

Spencer: Hi, Spencer Dewar. Government of Canada. Yeah, as we have outlined in our clarification on existing rights, we are willing to entertain investigating the dates. I guess the best way to achieve a mutually agreeable date...is it the caribou workshop an area where we could have that discussion or is it today? But any date that we do agree, which would make sense, certainly we'll have to bring it back to get approval of it, because we're dealing in a regulatory context with legislation, etc. We can't just arbitrarily pick a date and say, "This will be the date." We'll have to push it through and make sure we get the approvals from those in charge.

I guess the one thing that we would like to push for is we have to prepare so people are aware this is coming, and that we're communicating the message so there can be no uncertainty to those who are interested in procuring mining rights. So that's the one caution that we're looking for. How is that adequately explained to Industry and the people of Nunavut?

David: Brian?

Brian: Thank you. There's a suggestion about possibly throwing in existing rights for the caribou workshop. We're finding that the two-three days are quite tight right now for two possible topics. I'm wondering if Canada and NTI, and maybe GN can provide another venue, another date on their own and discuss this issue, and we'll wait for the results of that session. Qujannamiik.

David: Alright, we'll leave that with you Spencer.

Spencer: Sorry, Spencer Dewar, Government of Canada. I think the caribou discussion and the existing rights are much...they're very integrated, right? I don't think we can have one discussion without

sort of the other. So I think when we are talking about caribou, this notion of existing rights plays heavy into that discussion. I don't think – there might not be the need to separate them out.

David: Okay, well we'll talk about the agenda later this morning anyhow. But I just want to pick up on one of the suggestions that Leslie had in that it is discretionary the issuance of prospecting permits. That's totally discretionary, and you could – the Government of Canada – could at any point say that we're not going to entertain prospecting permits any longer. That is discretionary. Registering a mineral claim is not unless there are some technical issues related to that claim. But I'll note in the NWT, prospecting permits are no longer being issued. So it's something to think about. Warren?

Warren: Thank you. I'd just like to also note that the Kivalliq Wildlife Board has written to relevant government Ministers requesting a moratorium on issuing further permits, particularly in calving grounds. We have yet to have a response from that. We've been trying to engage in a discussion about this problem, and the longer this carries on, in our view, the less value this Land Use Plan is going to have for us. The more we keep deferring these questions to other meetings, other meetings...Like does it really take years to come up with some sort of way to deal with this?

David: Vicky?

Vicky: Vicky Johnston, Environment Canada. I kind of echo what Warren said, and I'm just trying to understand. Is the Commission telling the federal government or directing the feds to go away with the other partners and come up with a solution? Is that what we're being asked to do?

David: No, I think what Brian was suggesting was that given that we've scheduled a 3-day window for the caribou workshop, which may include another window – another day rather or within that 3-day window – the marine transportation discussion. What Brian was saying is that we need to focus on the key issues, and if we decide collectively that there are more important issues to discuss at the caribou workshop itself, then maybe the Government of Canada can call a separate meeting to discuss this particular sunset issue that has been raised.

But they are linked. Caribou discussions and existing rights are clearly linked. So we'll have that discussion about the agenda for the caribou workshop, and maybe circle back to whether or not there is time to include a discussion about existing rights and sunseting those rights.

Vicky: Vicky Johnston again. Okay, I understand that. Thank you. I share the same concern that this is something that the table needs to get on, so when we're talking about the caribou workshop preparations, I think that might be a very good time for a short discussion about how to prep for the existing rights discussion. It's not something that we can really discuss at great length here, because there are some definite implications and discussions and research that needs to take place. But, Spencer, that's something that the GoC could certainly do between now and a caribou workshop: to come to it prepared to discuss it. Thank you.

David: Leslie.

Leslie: Leslie Wakelyn, BQ Caribou Management Board. So my suggestion would be because these issues are linked and you can prepare in advance of the caribou workshop, that's where you have the

other issue and that the marine corridor issue be the separate meeting apart from that. It's just a suggestion to consider.

David: Yep, and we'll talk about that after we've dealt with these last-minute items. I guess I would just add that it isn't just the existing rights discussion that people need to be prepared for prior to the workshop. We do not want another workshop, which is simply a series of presentations. We've done that. We want people at this workshop to come prepared to discuss solutions, not just context. Barney.

Barney: Thank you, David. Barney, Mayor of Chester. I just have one question about the grandfather clause and the existing rights I guess. Were any of the communities ever consulted about this particular topic? Because the people living on this land, I think, should have the right to know the definition and the meaning of this particular topic before they even go to the public hearing, because once they start to realize what it really means, that topic might go for hours. Thank you.

David: Brian and then Canada.

Brian: Thank you. Alan has a comment to that, specifically not to Barney but the process.

Alan: Thank you, Brian. And it's somewhat highlighted by the point that Barney has just made. This Commission, like all public bodies, tries to provide notice of the issues that are being discussed at Technical Meetings and the process generally. So we put out our notices to the world. Really it is incumbent, I think, upon everybody at the table and those who aren't here to make sure that that message gets to every community at every level.

There are limits to what a notice will do. A notice posted on a hamlet office or in the newspaper isn't necessarily received by everybody or understood by everybody. That's the same in every community in the country. So we, the Commission, try our best to make sure that those notifications are adequate, but really I think it's incumbent upon all of us around the table to make sure that our local constituents are as informed as possible on the process, and the grandfathering one is one that certainly would affect individuals in communities, and it may be complicated and difficult to understand.

We welcome the assistance from everybody here to make sure that message is received at the individual household level. We do what we can with our notices, but we recognize that they can fall short of that goal. So that's a good point. And we're trying, and we're looking for everybody's assistance to help get the messages into those households. Thank you.

David: Canada.

Ken: Ken Landa, Government of Canada. Barney, thanks for the question and Alan for starting the answer. The decision that needs to be made that is going to adopt or not adopt some version of an existing rights protection, that's the Land Use Plan decision. That's why it's so important that Canada has articulated a starting point in that discussion in writing in Inuktitut, and that's why it's so important that the Planning Commission's process leading up to the decision-making be consulted of broad...the Claim talks about ready access to all relevant materials, public information and debate throughout the planning process, etc. So that's the consultation process

leading up to the decision. So we're in it, and we're not far enough along in it yet. But we are in the consultation process now.

David: And as everybody knows, communication is always a challenge. It's always expensive, and it tends to be repetitive. It tends to need to be repetitive. Anybody on the phone who wants to weigh in on this particular discussion?

*(No response)*

Brian?

Brian: We're trying to develop a map to show the folks on the floor, before you move to the next topic. So maybe we can take 5-10 minutes so they can make that map. We'll get to the map and then close this discussion off. If we can get 10-15 minutes, if you don't mind?

David: That sounds like a good idea. Warren and Leslie, Luis first and then we'll take a break.

Luis: Okay, I have a few comments in regard to the table. So we all recognize there are gaps in the Land Use Plan because of local information. We also recognize that it's not the best Plan that will come out here. Therefore, the Plan needs to be flexible enough to incorporate any new concerns that came out for those parties, that they may consider very important in the future that today may have restrictions. That's what I believe the Mayor of Chesterfield tried to address.

When Inuit know what kind of those restrictions that will be and how the Plan will affect their own lands, that's going to be very difficult them, for the table, for NPC maybe of how to address that. I would suggest for it to be as flexible as possible in terms of how you're going to make an amendment or a change in the Plan. Or adopt the Plan somehow, or write the Plan somehow to be flexible enough that those changes are not difficult to incorporate in the Plan without being that onerous for the ones reviewing the Plan. This is my comment in regard to that.

We know there are gaps. We know it's not perfect. We know we require more information. Many of those information will come maybe in two or three years. We're doing the best of trying to zone those key habitats and prohibitions. When that access is being suggested by Inuit, then things will come up drastically to make those changes. That's how, in my experience, this is how it happens. I suggested that when in draft and have conflicting writing with designation, needs to be clearer to incorporate in the writing of the Plan for instance, against those designations. And also to think in the future that it needs to be adaptable enough in terms to amend that Plan or to review that Plan. When it happens, how it happens is I think an internal decision of the Commission.

The other thing I will bring, and this is an overarching comment that I have is what the Commission will do when a decision comes directly from the Minister's perspective? I mean the Minister does have a veto right. So it's something that could happen. The Minister will have the right to decide and that will alter the Land Use Plan as a whole. What's the process to adapt those new designations when the Minister makes those decisions? So that's another question to have. I haven't fully investigated it. I'm not a lawyer, but I know Minister's powers have veto, and therefore need to be considered in this process of amending, of how the Plan will be amended. When that decision has been made, then how will the Plan be adaptive enough to capture this?

Thank you, and thanks to the Nunavut Planning Commission. I will now say my thank you to the Board. This is a very productive meeting. It is one of the best meetings I've ever had with the information and good comments, and commitments are being put on the table. I appreciate the work of the Nunavut Planning Commission, and the rest of the colleagues around the table for participations. Thank you.

David: Thank you, Luis. Leslie, did you want to take a minute or two to at least identify those areas that you want to discuss after the break?

Leslie: Leslie Wakelyn, BQ Caribou Management Board. I guess Warren raised the issue of the letter sent by the KWB initially to Ministers asking for a moratorium on issuing mineral rights, well mineral tenures. He didn't mention, but we will, that the BQ Board also sent a similar letter and others have as well. The reason for that is because, of course, we are anxious about what may happen between now and when the Plan is finalized. So, it comes around to the same question again basically. But is there going to be follow-up on either of the letters sent to the Ministers or a decision about a date after which rights won't be considered existing or not?

Subsequent to that, my other question is how does this existing rights work for further versions of the Plan? Do all existing rights end at whatever the date is for this initial Plan, or are there existing rights considered in further plans as well?

David: And I'll let people think about that over the break. Warren?

Warren: Thank you. Warren for the KWB. This is a general question to the Government of Canada, and you don't need to answer right now. But in your submission you note that while NUPPAA sets minimal exemptions, the Commission is not bound by this minimum. If you could kind of help me out in understanding explicitly what NUPPAA lists as necessary exemptions so I can contrast that with your proposal? I'd appreciate that a lot, and it would be great if you could just make some statement on the record about that later. Thank you.

David: Thanks, folks. We'll take a 15 minute break and then back at 10:20. Thank you.

#### **BREAK**

David: Just an update on the map. There were some technical challenges there, so we're not going to have a map, though it was a nice break and a good excuse for one.

Another point came up during the break though. My guess is that we'll be done with the formal part of the agenda by noon. We can stretch it out a little bit if need be, but there is a 2:00 flight that some folks would like to catch. I just want to canvas the room and get a level of confidence that my estimation is correct that if we're doing anything this afternoon, it will be focused on the caribou workshop. We may even get much of that done this morning, depending on how much additional comment we have on these additional items. Is there anybody in the room who feels that we're not going to be done in time for those folks to catch the 2:00 flight?

Alright, I think that's a pretty good bet. So we'll go back to the agenda. Canada had a couple of questions that people had, and then Naida would like to make a comment or two about the process. So I'll go back to Canada and then we'll go to Naida.

Spencer: Thank you, Spencer Dewar, Government of Canada. So, we did hear three times that the Minister was written to from the Beverly Qamanirjuaq Caribou Management Board, the Kivalliq Wildlife Board, and WWF. I can confirm that we received it, and they are being duly considered. A response is being prepared. Now this response will include engagement with NTI and the GN. It's a complex issue, so you know, we are briefing fully.

We see that the caribou workshop does offer us an opportunity to explore in more depth the pros and cons of a moratorium. I think, you know, if we come to that workshop engaged to discuss it, that will inform the briefing in any decision that takes place.

A third point I just wanted to make was that in reference to the existing rights paper, we are committed to discuss a mutually agreeable date on when any new rights that were acquired would be subject to a future Plan. So we're going to have to look at what works for all the parties. So we just have to make sure that we come to something that's mutually agreeable. Thank you.

David: Thank you, Spencer. Brian and Denise?

Brian: This may be a funny comment or question, but the exemption requests – moratorium requests on Crown lands, wouldn't it be fair to have that request put forward to Inuit as well under NTI and RIAs? It's a loud thought.

David: Yeah, I think what Spencer was saying was that in the formulation of the response, those folks will be engaged, or at least NTI.

Spencer: Yeah, we recognize there is competing interest out there, and yeah, no decision will be made without engagement with NTI and the GN, and others, of course, that have written in with the request. Thank you.

David: Warren.

Warren: Thank you. Warren Bernauer for the KWB. Just to clarify: The KWB also wrote to NTI and KIA on this topic as well, and the Government of Nunavut in separate correspondence, and they were also copied on all correspondence to the federal government. I believe the Planning Commission was copied at least on the letter to the federal government.

David: Okay, and I guess Brian's point was that perhaps a broader net could be cast by Canada in developing its response. Denise did you have a question or a comment?

Denise: I just wanted to put it on record – sorry, Denise Baikie with the GN – that we have also received a letter from the KWB and that we are formulating a response. As you aware, the GN has recommended to the NPC that all development and activity be prohibited in caribou calving grounds and key access corridors with seasonal restrictions in other caribou seasonal ranges. Also, the GN is still formulating a position on existing rights, so we look forward to continuing this dialogue through the land use planning process. Thank you.

David: Okay, any other comments? Leslie, are you satisfied with – well, satisfied may be an overstatement, but are you done for now on the follow-up?

Leslie: Leslie Wakelyn, BQCMB. I guess if it would help at any time in the discussion to see maps of the mineral tenures on the calving grounds from the past that have informed the anxiety about this issue, I can certainly provide them. Thanks.

David: Yeah, I think if you can provide them, that would be helpful I think. Okay, Barney.

Barney: Thank you, David. I guess another point I should put out is why we are so aggressively trying to protect the animals on their land, not just from the KWB but from the municipal world. It is also recognized that healthy food is starting to be implemented in medical facilities for patients recovering, etc. The need to manage our resources, it's going to take a lot of work. I don't know how else to say it, but if we're going on and pushing the limits, especially when medical issues are starting to be brought up, at the same time poverty reduction in Nunavut, these resources we have play a big role in what will be able for us to accommodate the needs for the supplies these people need. So that is one of the reasons, and on top of Tradition. So this is part of our lifestyle, and it's recognized that these healthy foods play a big part in healing our patients. So that's another point I just wanted to bring out. We really do want to be heard. Thank you.

David: Thanks, Barney. I guess that gets to the broader net that as Canada and GN consider the position on existing rights and sunsets and so on, that they hear from all interests, because it's not a one-sided discussion. Any other comments? Ken?

Ken: Ken Landa, Government of Canada. I just....

Naida: Naida Gonzalez, NTI. We just wanted to raise the issue of timelines again. We just wanted to raise the issue of timelines again. There has been discussion at the NTI Executive this week about the timelines, and bearing in mind I think that all the participants are working toward the final Land Use Plan that will go to the public hearing and will be approved by the three parties that need to approve it. How do we get there?

A number of the issues that are harder to resolve, NTI has four other lists that they're working hard on – the timelines as put out in the notice last night are not going to be met on those issues. So those would be caribou, existing rights, migratory birds, and the Kivalliq-Manitoba road, or transportation corridors. So those are ones that have been flagged as requiring a certain intensive process to come to a quality submission to NPC.

The date that NTI Executive considers that work to be done would be May 31<sup>st</sup>. So looking at the schedule that has been put forward, obviously that's going to raise some concerns. So we wanted to bring that forward to the group.

Also for the other participants in this session, we've been looking at the notice, and we do look at the March 4<sup>th</sup> date as difficult for all the participants given that the caribou workshop is going to take place after the deadline for written comments. I would expect that most participants are going to need some time after the caribou workshop to put together their final written submission on caribou. So there's a particular issue for NTI that they're working through, but I would expect

it's going to be somewhat challenging to have written submission deadline before the caribou workshop. David, I'll let you...I'm not sure how you want to proceed.

David: Well, thanks Naida. I would just off the top note that the actual final date for submissions is September 30<sup>th</sup>. You've said that you would expect that most of the issues that NTI has still got on the table would be resolved by May 31<sup>st</sup>. Seems to me that there is time. I appreciate that some of the earlier deadlines might be harder to meet, but the ultimately deadline that people need to be working toward is September 30<sup>th</sup>, the way I see it.

Naida: Yeah, I suppose the challenge for going into the public hearing, as much as possible, the preference would be for the refinements that are made to the Land Use Plan to reflect the resolution of issues as those are resolved. On the key issues, there are concerns that the refinements to the Land Use Plan with a release date of May 16<sup>th</sup>, are not – that refinement is not going to include changes in the major areas that there is concern about.

David: Yeah, I understand that, and the final redline version that would be the basis for the public hearing may not capture everything. But I think the public hearing is the place to – and the September 30<sup>th</sup> deadline for written submissions – would be the place to focus the attention on the issues that weren't fully addressed in the Draft. Personally, I don't see that as a big problem. It's not perhaps ideal, but the Commission will hear the arguments at the public hearing, will read the materials provided prior to that, and will be redrafting the Plan in any case. I can't imagine that the May version will be the final version. That would be surprising.

So yeah, I think people hear the concern, and I'll turn it over to the Commission to respond, but my personal view is it's workable. It's not ideal, but it's certainly workable.

Brian: Thank you, David. Brian Aglukark, NPC. I echo your comments, David, your thoughts. Timelines aren't changing today. We're shooting for a November hearing. There is a drop-dead deadline of submissions of September 30, and the date she's providing for May 31<sup>st</sup>, that's music to our ears. It will make the September 30<sup>th</sup> deadline. Thank you very much.

David: Okay, Naida, any final comments on this?

Naida: No, not right now. Thank you.

David: Thank you. Any other comments. Warren, are you...anybody else?

Liz: Hello?

David: Yeah.

Liz: It's Liz with the Chamber of Mines. I just want to make a couple of comments if I could.

David: Yeah, please.

Liz: Okay, the first is with respect to the upcoming caribou workshop. We noted that Peter had distributed a draft agenda, but I wanted to note that the Chamber, in consultation with NTI, with the GN, and with the World Wildlife Fund, last fall had created a rather focused agenda and had

put a lot of weight and discussion into it, and had provided that to NPC on October 15<sup>th</sup>. We're very hopeful that agenda – that proposed agenda – could be revisited for the upcoming workshop, because we felt it a lot of work went into it and good discussion. And we think it provides a more focused agenda for the workshop.

Secondly, we're – at least from my point – we're having some difficulties. We've been having difficulties all week sort of hearing everything on the phone. The agenda has been somewhat fluid, so sometimes it's kind of hard to keep up with all the discussions. I would request that we be provided a transcript of the Technical Meetings this week, because that would be very key to helping us prepare our written submissions, so that we make sure that we haven't missed any pertinent points that might have been raised.

Also I would request that we receive the transcripts from the second Technical Meeting that took place in July, because we didn't receive anything. These would be very important to us to help us with our upcoming written submission.

David: Thanks, Liz. Just on the latter points: Yes, there will be a transcript from this meeting. We'll get it out as soon as we can. My understanding, and it may be hard to find, I believe the transcripts from the June and July Technical Workshops are on the website. I'd ask Jonathan to make sure you get the link directly to those, but I believe they are there.

Jonathan: Yeah, thanks David and thanks Liz. This is Jonathan. I just looked. The transcript of the second Technical Meeting is on the consultation record on our website for the dates July 14<sup>th</sup> to 15<sup>th</sup>.

David: And just in response to the fluid nature of the agenda, I apologize for that. I know it's difficult for folks on the phone to keep up sometimes. But thank Alana for sending out regular updates. I guess I'd characterize it as adaptive management. There are a number of issues that came up that required us to be a little flexible in how we reschedule things. So apologies for the confusion, but we'll get the transcript to you as soon as we can. As I said, I'll ask Jonathan to point you directly to the transcript from the July meeting. Any other comments from folks? Ken you had a comment?

Ken: It's Ken Landa from the Government of Canada. I didn't want to lose track. There were questions about existing rights that we hadn't come back to yet, and I can do that whenever it's convenient.

David: And Liz, I don't know if you're still there, but on the caribou workshop, what we asked is that the folks comment on what we thought was the final draft agenda. It may be that wasn't the one that was posted? I don't know. But in any case, we'll reexamine that, and we'll put up the agenda that Peter has drafted based on comments received, and we'll talk about that later this morning and this afternoon if need be. Stephane?

Stephane: Stephane Robert from the Chamber of Mines. Liz has to go to another meeting. She will be back in one hour, or around that. Just on the draft caribou agenda, because that was sent to NPC in October, and we sent an email to Peter. We thought that this agenda that was looked with other departments and that with had an agreement with KIA, with NTI, with WWF also – we thought that will be the start of the agenda. But when we saw that, we sent an email, but we thought that it would be included. That is our comment. Thank you.

David: Okay, well I'll give it a little bit of thought about how we attack the agenda. Miguel?

Miguel: Miguel from NTI. Actually just a real quick question about the caribou workshop itself: Do we know who we're going to be inviting to the workshop? Is it going to be HTOs? RWOs? Who is going to be invited?

David: That's something we'll have to discuss. I think as broad a representation as possible within the financial means of those who will be paying for it will influence that. But I think it's clear we need the community voice at the table. Warren?

Warren: Thank you. Just to provide some input into this discussion of the agenda, I'd just note that the RWOs and HTOs weren't involved in the discussion of the agenda that the Chamber of Mines put out. I think it would only be rational to involve the organizations that directly represent the people that hunt the caribou in the creation of this. You know, we provided some input into a new one, and we hope that gets considered as well. Thank you.

David: Thanks, Warren, and you'll note that I used the term 'community voices,' given that there's a pot of funding for community voices to be heard. Ken?

Ken: Ken Landa, Government of Canada. Now I'm going to try to follow-up on the question that Warren had asked, which picked up a sentence from Canada's existing rights clarification paper that contrasted the desired effect of an existing rights policy approach with the framework set about in NUPPAA. That's a complex question, and I don't want to pretend I have all of it in my head and fully mapped out in my own head. I don't. I don't know that anybody does, but I want to walk through a little bit of, at a high level, how you arrive at that answer.

All of these grandfathering – if people like that phrase, or existing rights if you like that phrase – it's about managing transition from one set of rules to another set of rules. There are a bunch of transitions that have to be managed over time. So the question of what is grandfathered, exempted, etc. depends on a number of things. What were the rights at the time of transition, whether a proposal was already under assessment, etc.

But I want to highlight that we're talking about an orderly change management approach to manage the change from per-NLCA to NLCA; pre-NUPPAA to NUPPAA; pre-Land Use Plan to Land Use Plan; or Land Use Plan through an amendment process. Every one of those transitions needs to be understood before you know how any particular right has been treated by the system as a whole. That's why I say it's a complex question that I don't fully have mapped out in my head. You have to go back and look and say, "How did the NLCA deal with it? How did NUPPAA deal with it? How did the Plan deal with it?"

David: Yeah, I guess...here's the thing. At some point the door has to be closed on the old way of doing things, and the new way put in place. While after there is a transition, the doors are closed. The mineral rights issue is both transition and door closing. So at what point does Canada stop issuing mineral rights as folks have asked, and how is the transition from the existing rights to the new regime handled? That's challenging, but there are some – again based on my experience – some relatively easy discretionary decisions that can be made. The thornier ones will have to be dealt with.

I'll get back to it: Prospecting permits are an entirely discretionary activity, and if the issuance of prospecting permits then creates a huge transition problem that simply would be avoided. People could still arguably go out and stake claims, but that requires time, effort, and money. Prospecting permits are a really easy way to encumber the system down the road.

Ken: Ken Landa, Government of Canada. On the question of discretion, I did a very careful...*(Laughs)*...a very not careful, a very quick look at the regulatory regime during the break. Sure, there are elements of discretion. My understanding, though, is it would require regulatory change to stop issuing prospecting permits. So yeah, that's still discretionary in the sense that those regulatory changes can be made. But it's not the case that Canada could simply just say, "Today we're not going to issue prospecting permits." That would require the regulatory change to be able to do so.

David: Yeah, as I've said before, I was involved in that whole prospecting permit thing when I was back working for government. I was the director responsible for mineral rights issuances at one point. It was more discretionary than it appears to be now. But I think that's one avenue that needs to be followed-up on carefully.

Okay, unless anybody has any additional comments on the subjects that we discussed earlier today, I think it's time to wrap our heads around the caribou workshop agenda. We'll give Peter a couple of minutes to put up the current Draft, and perhaps if you could put up the original October 15<sup>th</sup> version as well so we can just make sure that we capture Liz's comments.

Peter: So we're talking about the Chamber's October 15<sup>th</sup> agenda?

David: Yeah, that plus the modified one that you sent out last night. Stephane?

Stephane: I just want to say that is not only the Chamber's agenda.

David: Yes.

Stephane: It was done with the KIA, with NTI, with WWF. I don't recall if GN was included in that, because I was not included in this draft agenda, but it was with different people that it was done.

David: Okay, so what I'm thinking that we can do is look at that version, have Peter walk us through the comments he got on that version, and then we can decide whether or not as a group there's kind of a second draft that we can think about. Then we can assign a couple of people as a working group to polish and then send back to the Commission, who can then distribute it broadly for another last round of comments. We can also talk about who – generally speaking who – we want invited and some of the funding related issues. I'm thinking we can have the bulk of that discussion done by noon. So let's take a 5-minute break and give Peter some time to pull things together and walk us through it.

**BREAK**

## UPCOMING CARIBOU WORKSHOP DISCUSSION

David: The options are unlimited, I guess, for the folks directly involved, but we talked earlier about the notion of having that marine discussion coincident with the caribou meeting in Iqaluit. But really that's something that Transport Canada, Environment Canada, Fisheries and whoever else needs to be part of that, need to decide. I'll just ask that you guys get together, set a date, and let the Planning Commission know. If you can do that today while some, at least, are here. DFO is maybe still on the phone, I'm not sure. Come up with a plan and let us know what that plan is. Okay, Jonathan do you want to take the mike or Peter?

Peter: Thank you, Peter Schultz, Nunavut Planning Commission. A review of the latest draft of the agenda for the technical session on March 7<sup>th</sup> through 9<sup>th</sup> is on the screen to the right, and it's essentially identical to the one that was mailed last night. On the left screen is the agenda, which the Chamber sent out last October.

***(Audio switched to Inuktitut – no English recording. The following italicized is an approximation)***

*So the primary objective is finding the most effective combination of Protected Areas, seasonal restrictions, mobile protection measures, and other mitigation measures to protect Nunavut's caribou herds and caribou habitat, while facilitating balanced development for the territory.*

*To do that, NPC is saying we need two key sets of planning information. The first set is totally geographic. If parties do not feel that the polygon boundaries that are on the reliable, that is their opportunity to say that you don't agree with it and why you don't agree with it. The second is policy. For each caribou related polygon, regulations need to be acceptable, at least at a high level to parties on what are appropriate caribou regulations, prohibitions, policies, standards, etc. and finding what text is acceptable under those designations and categories for each polygon, realizing that a lot will be similar between polygons. So those are the two keys from the planning perspective. We need maps, verbage, words, meat to put into regulation for those polygons that are acceptable to all parties. That's what we're working towards.*

*So this may flex a bit but the opening statements for the Technical Session, we really want to move into roundtables or brainstorming sessions or workshops quickly, so we've kept the intersessions.*

*(Luigi called in on phone)*

*Hi, Luigi, it's Peter Schultz here at NPC. I just started talking about the agenda for the caribou workshop on March 7<sup>th</sup> to 9<sup>th</sup>.*

Luigi: Thank you.

Peter: *I'm going to restate the last two points very quickly for Luigi. We've just been saying that the fundamental goals for NPC from a planning perspective, we need two things. We need maps that everyone can agree on what caribou polygons are. So any party that is having a disagreement with the polygons as they are stated or want to add polygons or take some polygons away. We're looking for what are the boundaries that are proposed and why are they proposed.*

*The second is we need policies, whether they be schedule the information for decision-makers, whether they be Special Management Areas, Protected Areas, anything and what sort of text would the agencies like to see for the different polygons. We're hoping to get to the state where we're able to compare and contrast different suggestions for different polygons.*

*The NPC welcomes opening presentations by parties, but wants to get into the brainstorming session, the roundtables as quickly as we can to maximize our time for discussing boundaries and policies. This is how we've tried to structure it.*

*So there will be opening presentations from any party. You're looking at a to f: talking about the status of the herds, information gaps, sources of disturbance, effects of disturbance from either a scientific or IQ perspective, and comparing and contrasting potential protection strategies, which include Protected Areas, Special Management Areas, mobile protections and caribou protection measures. The mobile protection measures, especially, we've been hearing some parties say that they would work well in the Land Use Plan, and some say they would not. So we need to find some consensus on that topic.*

*If mobile protection measures are considered, and consensus is reached in clear polygons, some though has to be put into how does that actually function in the Land Use Plan? If the Land Use Plan at the end of the day will be the gateway for all projects in Nunavut, then we need to get some more answers. If there is a mobile protection measure policy, how will that actually function? Because if you have geographic restrictions, when it's mobile protection, does that make the GN Caribou Department or the Department of Environment the regulatory agency, that they would be overseeing the mobile protection process, and how would that work? Is it NTI lands?*

*Moving into 'g': Definitions of the Seasonal Ranges, these are slightly different than what Mitch mentioned yesterday. Right now we have the 8 here, similar to the 8 we heard this week. Moving into 'h': Categorization of the Caribou Herds. This is the same thing that NPC staff developed, and people may or may not agree with this categorization. This is a map taken from the GN Caribou Strategy that shows the herds of Nunavut, on page 6 of the GN Caribou Strategy, which was released in 2014 I think. So there are a lot of herds and subgroups in Nunavut, and going for each of the 8 caribou habitat, NPC staff needs help on how to categorize this to make it workable.*

*After some discussion of sidebars this week, this is what is on the table as far as categories starting with Mainland Migrating herds. Mitch talked about these. Finally moving into Policy Development. What we have here is we will have seven questions or seven topics to discuss for each category. Some topics are delineation, boundaries being proposed. What are the sensitivities in the seasonal range? What is the importance of that seasonal range to herd health? What is the Inuit land use relating to that seasonal range, and Inuit values relating to those ranges? What are the major transportation proposals? And then there will be a discussion on the permanent, seasonal or mobile restrictions for that range?*

*Now we're moving over to the Chamber's suggestion from October 15<sup>th</sup> for an agenda. The Chamber's proposal is a little more presentation oriented. The NPC's feeling is that a more ongoing conversation is the main goal. There's a summary from NWMB that could fit into Topic A. These first presentations on the first day would fit into the agenda that NPC has proposed. What NPC would suggest is that these agencies and presenters make their presentation at the opening of the*

*conference. After the break on Day 1 for the Chamber's agenda, it's again more presentations. We would be happy to add those presentations onto the agenda, fitting into Day 1. But the parties that want to make those presentations, we'd ask that they confirm that they want to do that.*

On Day 2 after lunch, there was a section for discussion on areas with high mineral potential and discussion of IOL designations in caribou calving grounds. Those could fit within the NPC draft agenda, or they would be pulled out independently, because they relate to the calving seasonal range for primarily the tundra wintering and the mainland migrating herds. So those discussions could move into the discussions on those two types of seasonal ranges.

The roundtables afterwards, that's only a half-day. NPC, as I said, is feeling that we need to keep an ongoing discussion, make it mainly an ongoing discussion-type of meeting. Thank you.

David: Alright, thanks Peter. That's very helpful. I think the points that you've raised, what NPC needs to hear meshes quite well with at least most of the agenda there, although we clearly do need to do some tweaking, and I think the community voices need to be heard, perhaps more strongly than was outlined in the fall agenda, although I note on the fall agenda that there are timeslots there. But we probably need to strengthen that and integrate it a little bit better. So let's go around the table. Any comments from Canada on how we mesh these two high-level versus detailed agenda approaches? Peter?

Peter: Sorry, Peter, I'm just going to highlight one thing. The Dolphin and Union herd on the agenda was separated out from other tundra wintering herds, explicitly for sea ice crossings only. So that's where we're really looking for input from GoC.

David: Okay, Spencer, any comments?

Spencer: We don't have any specific comments at this time. I think we just defer to hear what other people think of the agendas. I did want to put on the record, though that I think it has been agreed that post-workshop on March 10<sup>th</sup> that there would be a marine shipping workshop for those parties of interest? Thanks.

David: Alright, thank you. That's great. Miguel?

Miguel: Miguel from NTI. I don't have anything constructive, unfortunately, to offer in terms of being able to meld the two that you're asking about. But I did want to add just one consideration for us to talk about during the workshop. We're all I think, I believe we're trying to find a balance, right? We're not just talking about caribou protection, because that's an easy problem to solve, I think, if that was all that we wanted. We want to find a balance. We want to be able to still allow for there to be exploration and development in the territory. I should maybe note that I put my Lands hat on just for a moment here.

As such, I think it would be important to distinguish between the activities of exploration as apart from the activities associated with mining. Somehow that's got to find its way in here. Because I think there is some potential – and I mean I know how this comment is going to be received – but there is some potential for there to be maybe exploration in areas where there is post-calving, calving, where maybe not mining, or vice-versa. I think that's something that should be explored. If people aren't convinced that it's worthwhile, I mean I can work towards a rational paper that I

can submit that people can say, "Okay, we understand why you're saying this." I don't want to put that on the table right now. But please consider the distinction for this workshop.

David: Yeah, I guess the knee-jerk reaction from some folks would be if you don't want to mine, then why would you explore?

Miguel: There's a very good reason for it.

David: But I agree that distinction needs to be examined, because of the nature of the effects is really quite different. Sophia?

Sophia: Sophia with the Nunavut Impact Review Board. I don't have any comments on the caribou agenda, but I just wanted maybe confirmation that it's a tentative date for March 10<sup>th</sup> for the marine workshop. When would we be seeing a more concrete date, because we need to plan to get staff there? Because we're quite busy. Thank you.

David: Spencer?

Spencer: My understanding is we're going to look for NPC to send out an agenda on it. It would be, I guess, based on the availability to same parties, but I would say March 10<sup>th</sup> is the date that it's going to occur. In Iqaluit.

?Spencer: In Iqaluit.

David: In anticipation of NPC's comment about sending out the agenda, what exactly did you have in mind?

Spencer: Well it's our understanding that it's an NPC-led meeting, so...

David: Yeah, I'll turn it Brian but I don't think...

Spencer: I mean we can work on it collaboratively.

David: Yeah, I mean I think what NPC is looking for, based on the comments that I heard, was that it wants the key parties to get together and bring back the results of that discussion to NPC. NPC may have an observer there. I'll turn it to Brian to elaborate though.

Brian: I have just a very short comment, David. Thank you, it's Brian. I believe it was TC that requested this workshop, so I would prefer that they take the lead and possibly drafting the first agenda, coordinating with the other parties. Qujannamiik.

And one more comment, apologies. Depending on how this agenda ends up looking in terms of possibly a 2-day or 3-day workshop, if it's 2 days, it would be our preference that the third day, March 9<sup>th</sup> would be the date for the transportation workshop. If it's not doable, then I think we can work around March 10<sup>th</sup>. One of the ideas we're also kicking around is possibly March 4 or 5, Friday, Saturday for the transportation workshop. That's another idea we can possibly think of. Qujannamiik.

David: Okay, well I think clearly there needs to be some offline discussion between the parties who are directly involved, and NPC who is really just interested in the results. Dale?

Dale: Thanks, Dave. Dale Kirkland, Transport Canada. Just to circle back for one moment: We made the suggestion yesterday that the NPC may want to hold a meeting with respect to marine shipping with all relevant and interested parties. And we made recommendation that it may make sense to tag this on to March 10<sup>th</sup>. Okay, so I want to emphasize we're looking for some feedback from the NPC if you know this meeting would...if they would lead such a discussion, such a meeting, or what else their role may or may not be and such. Thanks.

David: Okay, Brian and then I'll leave you guys to sort it out after the meeting.

Brian: We can discuss this issue after Sunday next week when we come up to a final decision on and update everybody that's been involved in this session. Qujannamiik. I prefer to do it that way at this point.

David: Ken?

Ken: Ken Landa, Government of Canada. I'm just a bit confused as to why the marine issues are being treated differently from the caribou issues. In both cases, this process has discovered that people in an inclusive way, want to be able to better understand issues, dig deeper in some topic-specific issues, and right now we're going through the process to develop an agenda as part of the NPC's process to do just that. Conceptually, that's the same issue that we're trying to deal with marine. So I'm a bit confused as to why we have fundamentally different approaches being developed for those two.

David: Thanks, Ken. My knee-jerk reaction would be to let's get one done, and then turn our attention back to the marine thing. If we have to continue this afternoon, then we will. Brian?

Brian: We want to deal with caribou as caribou. Leading to his point, the emphasis was to do a caribou workshop – let's do a caribou workshop with caribou being the issue only. There will be times when we get to discussing the issue of caribou where a marine component is involved in that, and we'll deal with the marine component at that time. But the NPC wants to deal with caribou as caribou only, and the marine topic distinct from that. Thank you very much.

David: Yeah, and I think what Ken is saying, fair enough. But why is the marine meeting not as inclusive as the caribou meeting? And I don't think we're going to resolve that now. I think one way to characterize it would be to get the key regulatory actors together and come up with a plan to move forward, whether it be a consensus on the issues based on what everybody's heard, or plan another more inclusive meeting. That's another possibility.

But where we left it a couple of days ago – or yesterday, I can't remember now – was that DFO, Environment Canada and Climate Change, Transport Canada, NIRB, and I don't know who else, but the regulatory-type agencies would get together and discuss things. Whether those regulatory agencies would like to include more people or NIRB gets involved, I don't want to talk about that now. I want to get this caribou thing done.

Ken: I do think it would be helpful to return to the caribou – it's Ken Land, Government of Canada – I did just want to add. The regulators getting together isn't because the regulators want to suit their own interests by understanding this better. It's responsive to people saying they'd like to talk to the regulators in an integrated way.

So I think we heard from World Wildlife Fund, from Chesterfield Inlet residents – and Barney speaking for himself can tell me if I have this wrong – that the purpose of this meeting is external discussion, not internal discussion amongst regulators. So if I have that wrong, then my last comment makes no sense. If I have that right, then once we're done with caribou, we need to come back to this.

David: Yeah, and I have a feeling you're right on the latter. Okay, let's continue with the caribou discussion though, and please park the marine stuff until we're done with caribou, except for Dolphin and Union caribou. Warren, any comments? No? Barney? Jackie?

Jackie: Thank you. Jackie Price, Qikiqtaaluk Wildlife Board. Thank you everyone who has sent suggestions and has provided input for these new agendas. They are very helpful, and I do appreciate that both agendas being presented would provide helpful information that would hopefully lead to some decisions.

Because I represent the Qikiqtaaluk Wildlife Board, and I'm speaking specifically to the realities of caribou and the mapping that occurred in Baffin, our needs would be slightly different than what is being presented in the agenda today. So I will admit, I'm still working through how best to engage the needs and the concerns and knowledge of the Baffin region in this broader discussion, mainly because as it stands now, there are no circles on the maps for Baffin Island.

So with that being said, I'm working on it, and I'm working really hard in my head. But I guess one of the things in seeing an agenda, whenever I see an agenda, the first question I ask is, "What do I need to tell my Board and the participants from my region so that they can be better prepared for this meeting?" While there are some effective points in the most recent agenda, just thinking in terms of...In understanding that there is a real diverse group of people coming to the meeting, one of the things that I would want to prepare my representatives with are an outline of what are the concerns of the signatories, particularly those who don't have a formal opinion on caribou? What are some of the concerns are they working through, and how could the representatives from my region respond to those concerns?

So I think there is a need for the signatories and those who don't have a formal opinion on caribou to provide that guidance. I'm not sure if that needs to be a conversation within the agenda or not, but some kind of direct guidance just so communities can come to the meeting fully prepared to engage with those concerns. Because community members are fully aware that when it comes to questions about caribou, it's not just about sharing their IQ. They're willing to discuss caribou concerns on a full range.

Again, I don't know how to articulate that in a bullet form in an agenda yet, but those are some of the concerns I'm working through. I will continue to work through these two agendas and provide comments if helpful. But those are my musings at 11:29 a.m. Thank you.

David: Yeah, central time. Jackie, I guess the way I'd suggest you approach it is, given you knowledge of the issues, what messages do you want the Commission to hear? What messages do the communities in your region...what would they like the Commission to hear? I think we can maybe schedule a presentation from each of the Wildlife Boards focused on what their constituents think are important considerations that the Planning Commission needs to hear, because it clearly may not have heard enough in the past.

Jackie: Thank you, if I can respond to that. No, that's 100% fair, and I think Barney and the KWB has been very well articulated on the types of concerns that would be raised, which is something, again, the representatives from my region could do in spades and could do it over many days. People come to these meetings also wanting to know – if I could just put it bluntly – there would be people from my region coming to the meeting and saying, “Well what's the issue here? We want to protect caribou. What's the resistance?” I think a clear articulation on some of the concerns by the signatories is fair, and it's respectful to the communities because communities want to be fully aware of why their call for full protection is not being heard. I think there is a willingness to engage with those kind of complicated political questions, and I think we have a responsibility to engage the community in that, because they are engaged in it already. Like they're already engaged in those complications. I guess that's the part I'm struggling with, because in talking about the IQ of caribou, I mean we've got that. But that's not enough right now. You know what I'm saying?

David: Yeah, I think so, and I guess it comes down to the never-ending discussion about protection versus development; conservation versus development; and sustainable communities. Communities need income, and they need food. They need food from the land, as Barney articulated earlier. So this workshop is an opportunity for the communities and other organizations to express how they feel about those issues.

I mean, sure, from the community perspective it's a no-brainer for most of the communities, not all though. Others would say it's a no-brainer, we've got to have mining, or oil and gas, or whatever, or roads. So it comes down to what's the context? Is it development in the context, of in this case, environmental stewardship? Or is it environmental stewardship in the context of development? It's got to be one or the other, and I think that's the nub of the argument. So Warren?

Warren: Just to kind of build on what Jackie just said. I really appreciate the comments that you made. Just to build on that a bit, there have been some parties that, for example, raised concerns with the delineations provided by the GN. I'm still not fully sure I understand the problem with the GN's methodologies that some different parties might have. So if some of those concerns could maybe be circulated before the meeting, then that might be helpful. I hope that's somewhat towards what Jackie was getting at, maybe only one little aspect of a broader problem she was raising. But that might help us have a more productive discussion if we're aware of what the concerns were with methodology and the gaps that have been raised at this meeting in a more specific way, so we can come prepared to discuss them. Thank you.

David: Yeah, and I think Mike Settingington has probably articulated the strongest criticism, and you heard his comments earlier. They're on the record in the transcripts of the earlier meetings. Again, I expect people to do their homework and not be spoon-fed this stuff. So I appreciate for the communities, it's much more difficult. But for the people who have been sitting around this table

for the last few days and the last few months, I think you probably understand the criticism. Whether you agree with the criticism is a different story, but the criticism has been well documented. Stephane?

Stephane: Stephane Robert from the Chamber of Mines. On the agenda that NPC provided, that is for myself more an objective. So that is the objective, and we agree with that. We don't have anything on that. But how are we going to fit in to be able to answer all that? That's what we tried to do in the agenda with the other parties, because we need to have a certain...If we arrive there and everybody looks in their eyes, we want Mitch to do a presentation. We want the Nunavut Wildlife Management Board to do a presentation. We want the BQCMB to do a presentation. Because we need to have this information, and maybe others want to do a presentation.

But in that is the objective. That is the objective, but where is the meat? And that is where I think we can have a merge between both, because that is perfect on the NPC's side. But we need okay, who presents? Because if we're just looking here and wait and who is the first that presents, it's only that. Thank you.

David: Yeah, and I think we all agree. It's the question of ensuring in the detailed agenda that the objectives will be met. And I think with some tweaking of the detailed agenda, we can do that. So the question is, "Is there anything missing in the detailed agenda that needs to be added to ensure that we reach the objectives?"

Stephane: Stephane Robert from the Chamber of Mines. For sure when that was done, it was really a little bit more focused on technical, and now what we need to bring more is IQ inside this agenda, because I think that is really important. Because the focus at that time was really focused on technical and less on IQ, but I think IQ has to be included more in this agenda. Thank you.

David: Yeah, and I think everybody agrees with that too. Brian?

Brian: A couple of comments: I'll just say a bit, and Alan will probably add to it. Just for clarity for Stephane's comment about people doing presentations, I think he's concerned that might be absent. Peter clearly stated that at the beginning under Number 1 (*of the NPC caribou agenda*), there will be an opportunity for anybody who wants provide presentations and evidence. So it is there. That opportunity is there, and we will for sure make that available. If he doesn't seem to understand, or the Chamber of Mines doesn't understand it, we can reword that section so it is there. I think Alan has some comments as well.

David: Yeah, go ahead, Alan.

Alan: Thanks, Brian. Thanks, David. Alan Blair, Legal Counsel at NPC. When Peter was taking us through the two agendas, the expression that he used was "some meat on the bones," which is I guess a good one when we're talking about caribou – some real substance that the Commission staff can work with. I'm sure you're hearing again and again, the Commission is looking for information on all topics, this one being a very important one. And I think you've heard that the Commission in this difficult topic, wants to have everybody's bottom-line position, because it's difficult for them to make a decision by way of a recommendation to the Commissioners if they might potentially misunderstand where there is commonality and disagreement.

It seems like this just – everybody views caribou as important – but are really staking out your turf. I would think it would be helpful...It's kind of like sending your kids away to school, away to high school or away to a university. There's a must-have list and a would-like-to-have list. In this day and age, the kids must have a computer. They must. They'd like to have a dual core processor or a quad core processor – and I'm stumbling over that because I don't even know if they both exist.

(Laughter)

...which is also not a bad example on caribou. What does exist? So I think I would urge the parties to put meat on the bones to think about caribou in that light: very prescriptive. What is your must-have? What is your would-like-to-have list? Why not? You might find that everybody recognizes there must be protection on calving grounds, and you might find zero support for the proposition of fresh water crossings. I pick those examples without any indication of what the ultimate example should be.

But then the Commission staff sense clearly consensus and conflict, and I have the sense that the staff is still saying, "We hear you all generally, but we don't hear you yet specifically enough." So here is the annual life cycle. Here is the migration pattern. Here are the pressures. Here are the herds. What is your must-have list? What is your would-like-to-have list?

That, I think, is instructive, and then around that, the language. Peter again said, "Help us with the language." If we must have protection around calving grounds, what does that mean? What would you like to see that language be? And if you're flexible on some of the other life cycle phases, then what would you like? Again, all the Commission really wants is information clarity. It'll be a shame after all this discussion the Commission still aren't really quite sure what's on individual constituent's must-have and would-like-to-have lists. Because then it's the quad-core, dual-core: we don't even know what you really want yet.

So much discussion, but not perhaps enough meat of your positions. I think we'll be pleasantly surprised that most of us will understand that this needs some degree of protection, and maybe this area requires substantially less. That'll help the Commission staff – not just pick but choose amongst options that you present to them. That's my only thought about meat on the bones. Thank you.

David: Thanks, Alan. I think that's very helpful. I think folks have agreed by and large – although I haven't heard anything explicitly – that the Commission's objectives are fine. They could be made more precise in light of Alan's comments, but the meat on the bones is the draft agenda that was sent out back in October. It was the result of collaboration of a number of parties. I'll get back to it. Is there anything on this screen that isn't going to be explicitly going to be addressed in this screen? (*in reference to the two draft caribou agendas*) Community input is a big part of what isn't adequately addressed here. Is there anything else? Is there any other meat on the bones for the discussion on this side that people need to see? GN? Mitch?

Mitch: Yeah, thanks very much. So understanding all the conversation that has been going around the table here, from our perspective we like the new agenda quite a bit. I think it's going to need a few tweaks along the way, but it's a really good sound starting point and good structure. We see it as more inclusive of IQ along the way on all aspects of what's going to be discussed, which is critical. Yeah, just offering the support for that and wanting to be involved in the development of

any tweaks along the way and presentations, or however people want to see that extra information being put into there. But it's a really great starting point. Thanks.

Naida: This is Naida Gonzalez on the phone.

David: Yeah, go ahead Naida.

Naida: It's very heartening to hear that IQ is going to be a big part of the caribou workshop and that's now part of the agenda. NTI supports that. NTI has received some questions about funding for the community participants. It is costly to attend these meetings. I think it's most difficult at the community level to get the funding to participate in these types of meetings. NTI doesn't want to see lack of funds being the reason that community participants don't participate. The question is, "Is NPC prepared to provide some funding to allow community participants to attend the meeting?"

David: Brian?

Brian: No.

David: That could be a problem. There may be some room to maneuver there, because yeah, it's going to be a problem. Mitch?

Mitch: Just a follow-up to that: I think it's an insurmountable problem if we can't resolve it. I think it's worth putting all our heads together to figure out how we're going to do it, because a workshop without that representation, I don't know how interested we would be in participating in that process. Thank you.

David: Yeah, I'm just kind of...distracted by the funding issue. But go ahead, please.

Brandon: Brandon Laforest, WWF Canada. The one thing to comment on the NPC agenda, you don't need to add anything to the agenda. It's more of a comment on things that have been said in this meeting and I don't need to go into details because they are on the record. But there were a couple of representatives who insinuated that calving grounds aren't very important to caribou and that protecting calving grounds doesn't influence caribou conservation status.

I just want to reiterate what we said before and what I heard the GN say before. The burden of proof has to be equal across all viewpoints when it comes to offering suggestions or discussing things related to wildlife biology. I would just hope that if these same points are going to be raised again, they'll be more substantiated with evidence at the caribou meeting. So if it's going to be mentioned that previous, looking back in history you can make an argument that protecting calving grounds doesn't do anything to influence herd status, we'd just like to see more evidence of that and not rely just on positive evidence that it does. Thanks.

David: Thanks Brandon. Leslie?

Leslie: Leslie Wakelyn, BQ Caribou Management Board. I'm kind of having problems figuring out what to say. I think I'm like Jackie. It's taking up a lot of space in my head, because I was all set to comment on the first agenda that was circulated last night and got halfway through that. Then

the second one arrived, so I sent some comments to Peter. Some are detailed, which we certainly don't need to go through now, but I was thinking more about the ultimate objective.

Although I support the NPC agenda generally, and I think it's a really good place to start, if you go down to the last point, that's really what you want. That's your answer is doing the prescriptive stuff way at the end there. I just wonder if there's a way we could tweak it so there's more space and people don't end up getting burned out before they get to the main question. So that's just one really broad comment. I think Peter wants to reply.

David: Peter.

Peter: Peter at NPC. Thanks, Leslie. Actually, what I was thinking and what Leslie just said are perfectly in tandem. As I'm reading and rereading the Chambers' draft agenda, most of those factors – I'll take for example the benefits and feasibility of protection measures for caribou. That needs to be broken down into five sub-caribou categories applied to 8 different seasonal habitats.

Having broad-brush opening presentations that talk about general terms really is not getting where we need to go. We need that data broken down, and we need it applied to the polygons where it belongs. If we know that migration or mobile measures work for one certain herd in one location during one time of the year, that's great. We need to know where that is. If we just know they generally work in Kitikmeot but don't work so well in the Baffin, that's not helping us get to where we need to be.

Going back to my earlier statement, a lot of those presentations, the data needs to be broken out by time and location and applied that way. Some of those presentations...yeah, they could be opening statements, but we really need to get into the meat of the matter quickly. Thanks.

David: Leslie?

Leslie: I guess I would just caution that we may not know enough to give you 40 answers for, I think it was 8 seasons and five categories, whatever. So I would just hope that we don't spend a lot of time trying to seek answers that we really don't have, first of all. Secondly, I would say that we want the community input. And I don't just call it IQ, because it isn't just IQ. It's what communities know. We would incorporate that through the discussion, and not have it as just kind of one agenda item: this is your time to say something. I think that should be part of the discussion of the methods as well, because some communities have experience with caribou protection measures, for instance, and have information directly on what works and what doesn't work and that kind of thing.

So I'm just wanting to figure out how we can tweak it, I guess, to not have people sit in a room and get presented at and then get sent off in brainstorming sessions where they are all doing different things without the common understanding that these are the tools we're working with too. I don't want to belabor this, but I just think we need to tweak it a bit more before we set it up properly. Maybe we need to have just have a working group or something. Based on some experience, too, our Board has had a similar workshop to this as recently as 2010, and the Government of NWT had a workshop in Inuvik years ago where they got people together. We can learn from those experiences what worked and what didn't work in those kinds of workshops as well. So that's my suggestion I guess on the broad-brush stage.

David: Okay, thanks Leslie. Luis?

Luis: Thanks, Luis Manzo, Kivalliq Inuit Association. KIA will be prepared for any date, any agenda. We will have broken down as much as we know, and we will send that to NPC in the proposed times. So you will have no issues. We will be a part of it. Thanks.

David: Thank you. Brian?

Brian: Thank you. On the comment about the workshop, I think at this time it would be appropriate to maybe get a working group. Right now if we could go around the table quickly, and then we can consider maybe a time when we can finalize this agenda before everybody leaves for lunch, or whatever time you're looking at. So for NPC, and then we can go around the table of who wants to be part of that working group.

David: Yep, and I think that's as far as we're going to be able to take it today in addition to the comments we're hearing. Peter?

Peter: Two quick comments: In response to Leslie, thank you for those comments. Yeah, I agree our agenda needs to strengthen on clarifying what the tools are at the beginning of the caribou workshop so that when we breakout – or if we do breakout – people know what tools they have to play with to apply. Although I think people have a fairly clear idea. It's basically one of the four PAs, SMAs, caribou protection measures, or mobile protection measures. So it would be great if people coming had some ideas which tool they want to use and which type of polygon at the beginning, so we're starting from a discussion on comparing, where people don't agree.

Second, it's not in the 40s. I put that number in the draft, which I sent out last night, that we have to do 40-odd roundabouts. I was very tired. I was going to delete that, and I didn't. I apologize. There's a lot of overlap policies we come up with. For mainland migrating, a lot of them can be copied and pasted into tundra wintering, etc.

David: Okay, thanks. We'll get to those details later. Ken.

Ken: Ken Landa, Government of Canada. As a suggestion, looking at the agenda and thinking about the group broadening substantially from this table, it may be helpful to have on the agenda an explanation at a highly accessible level, of the regulatory system that projects go through so that people understand that the Land Use Plan is not place where restrictions and prohibitions in effect – if not in intention – get brought about.

If you don't understand what a NIRB screening involves, what a NIRB review involves and the fact that those are required steps for most of the projects we're talking about here – screening at least – then you can't make informed decisions about what your nice-to-haves and need-to-haves are at the land use planning stage.

David: Okay, thank you. Anybody else around the table who has comments at this point? Luis?

Luis: Yes, one topic I don't see there that we're trying to get our head around in our Technical Meetings internal with NTI is the possibility of transfer of lands. I know the quantity of IOLs in those calving

grounds are going to be huge. We did a quantification with those overlapping situations, which the quantity of the Kivalliq Inuit Owned Lands will be significantly depleting the rights of Inuit. From that point of view, the rights of the title granted and title will be completely jeopardized.

Therefore, the next option is that the GN prepares to submit proposals and changes of those lands into other lands. So the Crown is prepared to entertain some of kind of proposal of that kind, and those parcels will be no activity from now on. They will be practically no activity once you declare that a conservation area.

So that says – just to keep it in mind – that right is still in existence. It's granted under the Land Claim, so therefore I put it forward for consideration. Thank you.

David: Okay, thanks Luis. Any comments from folks on the phone?

*(No response)*

Okay, so picking up on Brian's comment and Leslie's, who is in for the working group? Obviously somebody from NPC. I think that's a given. Miguel, somebody from NTI? Okay. Communities – we need to ensure that the Wildlife Boards have a voice in designing the agenda, so Jackie for now? Okay. Warren helping out with Jackie and coordinating together on behalf of the Wildlife Boards? Okay. Somebody from the GN. Stephane? Yeah, okay somebody from the Chamber. Leslie, do you want to be a part of this? Okay, that would be great. And Luis, somebody representing the RIAs?

Luis: Bert will be...will coordinate on that.

David: Okay, so you'll coordinate that. So it's not just the agenda obviously. It's the funding, because without adequate funding, this isn't going to happen. It's not worth doing. The parties, including the Government of Canada, will need to come up with the funding for this. That's a given. So, Brian?

Brian: I'm not sure what you're referring to as funding...in terms of flying community representatives in? I just want to make sure I have it understood. If we don't have community reps, then there is no workshop. Is that what you're saying?

David: Well, yeah. I'm not talking about five community reps or five reps from each community rather, or anything like that, but an adequate representation of community folks, not just the organizations that represent those folks, but some people from communities, presumably selected by the Wildlife Boards and the Regional Associations. We're going to have to put a budget together. We have to figure out who pays for what. Some organizations will be able to help, like World Wildlife Fund may be able to help in community people there. Others will contribute to specific line items, and others may make a general contribution to making this thing happen. Brian.

Brian: Thank you. So then I guess we can task that to the working group as well. There's a lot of coordination required, connecting of the names, and a strict deadline. If we don't have community reps not funded by a certain date, then we have to have a cutoff date. I think Alan wants to comment as well.

Alan: Only very briefly. Alan Blair, Legal Counsel, NPC. Yeah, I agree with Brian that there needs to be a cutoff date of funding as a critical issue, well in advance of the March date so that people know that they're going or not going. The working group should be able to predict that cutoff date today. They should be able to caucus briefly and say we'll know or not shortly.

Just on the issue of funding, the question came to the NPC whether they would have funding for this. Brian's answer was no. That's correct. The longer answer to that is, of course like many of the organizations here, the funding comes from the federal government. There are budgets, work plans, approvals, commitments, contribution agreements...and the NPC cannot on its own on a whim insert something into their budget, which is not in their work plan, which has not been approved.

So the answer, 'no' means they possibly, even if they wanted to, try to get the funding between now and early March. It's an impossibility, and they would be in breach of the approved budget and contribution agreement if they were to suggest that they could bring the people here. So the funding will have to come from someplace other than the NPC for the community reps. We may not otherwise have funding. So that's just a more fulsome answer to why the answer was 'no.' Thank you.

David: Thanks, Alan. That helps. Assuming each organization will cover its own costs and those costs of its invited experts, then the single outstanding cost – largest cost – would be bringing adequate community representation to the table. So the working group is going to have to wrestle with that one and decide who and how much. Stephane?

Stephane: Stephane Robert for the Chamber of Mines. The way we were looking at that last summer was that it would be all the HTOs that will be the representative of their region. We were not seeing that to have community representatives. So that was the intent. It was that the Kivalliq Wildlife Board, all the different associations will represent their members and the community. Because if not, it's a workshop. It's like we cannot have 25 communities. It's impossible. So that was the intent at the time.

David: That sounds reasonable, but I guess again, I'd go back to the working group's tasks to finalize the agenda and to sort out the funding requirements, and to source the funding. That's what you guys are being asked to do. If you've got a head start on that, great. But there are obviously going to be some unfunded pressures in this thing that we're going to have to find some sources for to make it representative and effective.

In terms of a deadline for the funding and the notification and all of that stuff, how does, I don't know, February 25<sup>th</sup> look? Is that enough time?

Brian: It would be enough time for the NPC, I think, to do that in terms of whether it's going to proceed or now. We'll be planning as it will be proceeding, but yes, the 25<sup>th</sup> is good enough. Thank you.

David: Okay, and I'm sure you can get the agenda done faster than that. So I'm going to ask the working group members to look to February 10<sup>th</sup>, February 15<sup>th</sup>, somewhere in there, to finalize the agenda. That might include one iteration of being circulated broadly and getting feedback. I think

we're going to have to rely on the working group to carry the biggest load there...and the funding sorted out 10 days after that. Brian?

Brian: Can we suggest February 10<sup>th</sup> being the first draft, and then finalize that draft two days later, which is a Friday, February 12<sup>th</sup>? We have a draft already. We can clean that up and then finalize that.

David: Two days might not give people enough time to review it. Let's let the working group back up from February 15<sup>th</sup>. The final draft on February 15<sup>th</sup> is the working group's target. That's only a couple of days later than what you're suggesting, Brian. Then 10 days after that will be a solution to the funding problem. Does that work? Is that okay with the working group members?

*(All nod)*

You're good with that. Great. Alright so it's noon. We have the marine discussion to continue. One option is to continue to work for the next half-hour or so. Take a short break now, or we come back at 1:00. What's the preference of the group? Now or later? Show of hands, those who want to do it now and get it over with.

Now a show of hands of those who want a lunch break and come at 1:00 to get it done at that point.

Okay, well there seemed to be more hands in favor of a break, so let's do that and be back here at 10:00 (*laughs*)...I mean 1:00 for those who are still able to do that, and hopefully an hour will do it.

Peter: Could I ask whoever is on line who is going to be on the caribou working group to stay online, and we'll have a 5-minute huddle.

David: And presumably those folks here who are part of the group. Okay. So we'll be back at 1:00.

#### **LUNCH BREAK**

### **DISCUSSION OF UPCOMING MARINE TRANSPORTATION WORKSHOP**

David: Okay, there is a suggestion that the marine transport meeting can be held after the caribou workshop. Let's figure out where we go from here, but it may be a case that the key organizations delegate somebody to work on the agenda. Ken?

Ken: Ken Landa, Government of Canada. Thank you, David. Of course Dale and others will have key leadership roles in how this goes. But you mentioned context, and I think that's important. The Government of Canada and its many departments have heard about the importance of the values underlying the submissions that are coming in about what should be done around project approvals and what that means for shipping. In the context of hearing all that feedback, it's our observation that there are many questions that many different institutions and people still have, for good reason, and the federal government is among the institutions that still have questions.

There needs to be a format in which those issues can be drilled out into deeper levels. We see this as quite similar to what people were saying about caribou. So within the context of NPC's planning process, our suggestion is that the process make room in the agenda for that deeper discussion of the specific issues where better information and better understanding can help all of us, and better recommendations can go to the NPC, and also a deeper discussion of what's good and what's potentially troubling about what's in the current Draft to better inform where future iterations of the Plan go.

At a conceptual level, we see this conversation about shipping very, very similar to the conversation about caribou, and we think that this...Unfortunately, we'll a little bit behind on the topic of shipping as compared to caribou, because there are two draft agendas being worked on and can be merged. Agenda development on shipping is not that developed. Other than that difference, though, we think a very similar approach can be and should be taken.

David: Okay, in terms of folks who would be engaged in that, any suggestions? The organizations that delegate to work on the agenda and meeting logistics and so on.

Ken: They are the obvious and the less obvious. We've heard from within the federal family – inside the federal family, we've heard from outside that people would like engagement by Transport, Fisheries and Oceans, and Coast Guard. Of course, that all makes sense. Other organizations I assume will speak for themselves, but we've heard similar to what we heard about caribou, that the purpose here is to start bringing together regulators and non-regulators, the same interests that people talked about – and I think it was Jackie and Barney and others have articulated – this is meant to be part of the planning process and as inclusive as it needs to be to do a proper job.

David: Okay. Miguel.

Miguel: Miguel from NTI. Is this still our formal workshop, just out of curiosity? We're still transcribing? This is going to be part of the transcript?

David: Listen, we can...

Miguel: I'm just wondering.

David: Yeah, I mean so far it is, but if people are uncomfortable with that, we can stop the tape.

Miguel: No, that's not it. I'd just like to say, obviously NTI would like to be a part of that. Someone from Lands – I'd love someone from Lands to be on that. It's very important for projects to be able to have certainty in their shipping. I'm not sure who would sit on that, but we'll find someone. I don't have anything to offer right now.

David: Peter you had a comment?

Peter: Peter, NPC. The factor here with marine shipping that makes it distinct is that the planning tools that can be use – the expertise – exists almost entirely within the federal government. So we need to hear from the federal government how much time they need to identify and define those tools before any sort of marine workshop occurs. Until we know what those tools are, we won't know what we're talking about.

David: Well I think that the tools can be defined as part of the agenda for the working group or for the meeting. The interests of the residents is at least as important as the tools that might or might not be applied. The interests of the residents will determine, to a large degree, which are the most suitable tools to be applied in the circumstances. I think that same argument holds for the caribou workshop. So I'll go to Sophia.

Sophia: Sophia with NIRB. I don't have much more to add to the idea of the workshop. I think it's a good idea. We'll most likely attend. We just need to look at the budget and scheduling. So most likely there will be a NIRB representative there, because it's of interest for us as well. Thank you.

David: And would NIRB want to be part of the agenda development?

Sophia: I will have to confirm that with Ryan just to see, because we are also involved with the Nunavut Marine Council, but that's a completely separate topic from this. So I will confirm with him. I don't see a problem. We could maybe initially and then we can say no if we just want to be present. But we can also provide input as well. Thanks.

David: Okay, great. Vicky? No? Warren?

Warren: Thanks. Yeah, I'd be happy to help from KWB in terms of drafting the agenda and highlighting the key conflicts that the HTOs have raised with the KWB over the years with marine shipping.

Just on another point, and we don't need to answer this right away. We can discuss it later. But perhaps it might be appropriate to involve the Nunavut Marine Council in this workshop. I'm still not totally sure what the workings of that are. I understand that there is kind of staff from all the IPGs that work on that file a bit. If those staff could be present, recognizing that there is limited time and limited resources, ideally that would be great.

David: Okay, Sophia.

Sophia: Sophia with NIRB. The organizations that are involved, as per the Land Claim, is NIRB, Nunavut Water Board, the Nunavut Planning Commission, and the Nunavut Wildlife Management Board. Currently, from my understanding, the mandate is to provide, the Council is to provide recommendations to the government on marine shipping, and not to other IPG. So we won't actually be able to provide input into the Draft Land Use Plan, but I can definitely...I have asked, and the response to that was more of just NIRB would be present, instead of the Nunavut Marine Council. As part of while we're all there, we could also provide input on what we have seen as NIRB through our reviews of projects and the issues that we've seen related to marine shipping, if that's a topic that you want to add to the agenda of what we have seen so far in the review of projects to date, or the issues we've seen.

David: Thanks, Sophia. Barney? No? Stephane?

Stephane: I will let Liz speak to that. Thanks.

David: Mitch, anything?

Mitch: Just maybe keep Amy in the loop to any further developments there. I'm sure the GN would like to take part in that discussion as well. Thanks.

David: Great, thanks. Luis?

Luis: The Kivalliq Inuit Association is interested in being part of the shipping component, and like I said, we are happy to share our information during the review process that we carry during the development of Meadowbank. Thank you.

David: And as with the caribou workshop, NTI would kind of take the lead in developing the agenda and so on?

Miguel: Yeah.

David: Okay, on behalf of the RIAs. You've got broad shoulders Miguel. So to the phones, Liz, are you there?

Liz: Yes, hi, thank you. I didn't quite hear...I heard the date for the proposed marine corridor workshop but not a location. I don't know if that's been established yet, but the Chamber of Mines would definitely be interested in participating if this is to go forward. Thanks very much.

David: Okay, and the location is Iqaluit at this point. Would the Chamber like to be directly engaged in the agenda development?

Liz: Sure, that'd be great. Thanks.

David: Okay, thanks. So I guess back to the NPC. As a member of the Marine Council, what would you see as your role in this workshop, at this meeting?

Brian: Brian, NPC. March 10<sup>th</sup>, we're okay with March 10<sup>th</sup>? At this point, I think we would just continue on with following the caribou workshop – same venue, different day, next day. In terms of agenda development, we'll let Canada with its three agencies – Transport Canada, DFO, Coast Guard – take the lead on drafting the first agenda and then we'll start providing input from that point on. For sure we'll have staff there as well.

David: Great. Ken?

Ken: I think we should talk about how an agenda gets developed, but I'm looking at what was done for caribou, and there's an agenda very much focused on what the NPC needs to move forward. That, to me, at the stage we're at, seems quite appropriate. The NPC is the best source of what it believes it needs to move forward. We need more conversation about how practically to develop an agenda to work for multiple interests. It seems to me that's a core interest.

David: Okay, Brian.

Brain: Thank you. Brian, NPC. There seems to be some sort of a little minor disagreement between NPC and Canada in terms of if we're ready or not. At the beginning of this week's sessions, NPC clearly said that we're quite comfortable in moving ahead with the drafting of a redline. Again, like I said

earlier, this is an initiative that was brought up by Canada. We would like Canada to take the lead on this initiative. Thank you very much.

David: Okay, but just picking up on Ken's comment, would it be possible for somebody in NPC to tweak that list of objectives to fit the marine transportation needs? That would provide guidance for the folks organizing the actual agenda.

Brian: We can provide them this copy, and they can tweak it if they like.

David: Alright, it's not – I mean I think what Canada is saying is that in order to be as helpful as possible, they would like, perhaps, a clearer idea from NPC as to what it's looking for. If you feel that you've described that adequately, then so be it. I think it wouldn't be unhelpful to take that list of objectives – it probably wouldn't take much time – and fit it to the specific questions that NPC still has to deal with, because we didn't reach a conclusion in the earlier discussions this week. We clarified some issues. We got pointed in a certain direction, this meeting being one of those key items, but I just think it might be helpful for Peter or Jonathan or somebody to take a look at what the useful stuff that was done for the caribou workshop and kind of customize it to your needs with respect to the marine issues. I don't think it would take much work, personally.

Brian: I don't want to give in, but I've got Peter saying something he wants to try out, so I'm going to let Peter speak on it. Then I'll respond to what Peter says before you give it to the floor. Thank you.

David: Peter?

Peter: Thanks. Peter, NPC. Sort of meeting in the middle, what I'd suggest is that Government of Canada take our discussion paper that we reviewed over the last few days on the marine issue and work on defining those tools and the issues that we mentioned. Then when we feel they have the right team that they need from multiple departments, then let's talk on the phone. Then we can start working on an agenda together.

David: Alright, so if I can summarize, what you're saying is Canada can take the stuff that you've prepared on the screen there and the discussion items in here, and reflect on the discussion that occurred this week, sketch out an agenda, at which point NPC would engage in commenting on that agenda?

Peter: Or we can have a teleconference. It's important to NPC that all the federal expertise that's needed is there before we draft an initial agenda, because some folks in Coastguard were not at this meeting and DFO was lightly represented. I would say that we don't know enough to confidently make a first draft agenda, and that information is in the GoC.

David: Yeah, just to be clear, I'm not asking the NPC to take the first cut. I was simply suggesting that it be engaged in crafting the agenda. I think that it's not unreasonable what's being asked by Canada, but if the NPC would rather engage at a later date in the agenda crafting, then fine. It's absolutely irrelevant to the drafting of an agenda to first decide whether the Government of Canada representatives can make the meeting. Draft the agenda first. Ensure that the right people are there, second. And then show up, third. Fourth, make it a productive session. I'm kind of losing a little patience here, so apologies for that. Anyhow, Alan first and then Ken.

Alan: Thanks, David. Alan, NPC, Legal. I hear you, Ken, and I think to add just perhaps a little clarity, I think it's a good idea that we – the NPC – take a stab at providing some sort of a framework beyond just the Considerations Document, which we gave everybody on a wide variety of topics. And looking over my shoulder at the caribou one, you could almost get down that first list – it's not quite herd –but you could substitute a few words.

The marine is complicated from the NPC's position maybe fundamentally, because the very first one: A. Review of the Regulatory System. What I mean by that is there are a lot of marine players, and they're more complicated. They're even international. The national presence is different in marine than it is in terrestrial. Part of the Considerations document was, I think, reflecting the staff's lack of certainty on who the key regulators were.

So I think we can probably do something here to help provide a structure. We're not experts in marine. The staff has to be experts in an awful lot of broad areas, and marine is perhaps one of the most complicated. So for example, to the point that the federal government plays a very direct and powerful role in regulation of marine matters within Canada and that it overlaps into the Nunavut Settlement Area, the Commission staff has heard over the many months and several Technical Meetings, the Transport Canada position quite clearly. We understand, I think, their view about open water shipping and international agreements, and safe passage, and all of that stuff.

The staff haven't heard quite so strongly the role that DFO might play or the paramountcy within the federal family – the Oceans Act – and who takes the lead within federal family. So back to that very first point of the regulatory system, the staff can't claim to be experts in how the federal government manages their internal regulatory system, but those options are meant to start a discussion around if DFO is playing the role that they've played elsewhere in the country in terms of helping to guide decisions around planning.

There are some poorly analogous situations. You know, I'm thinking of the west coast dealing with certain marine spatial planning where – not a territorial government, not a provincial government – but a First Nations group played a role in conjunction with the various federal organizations, namely DFO, to work on some form of understanding of marine uses, so marine spatial planning. That's a pretty technical topic for some experts, which might be beyond the expertise of the NPC.

So I think from my discussions with staff, what we're really saying is we'd like to know how the federal government will help fill in the gaps in the regulatory system so that we can work together as the local planning authority that does have a jurisdiction in the NSA, including marine waters, but working in conjunction with the federal responsibility – perhaps DFO focused rather than Transport Canada focused – and to what issues specifically...I mean I think really the biology. So how do marine corridors, icebreaking, open water deal with migration issues? So you could tie that to caribou. How does it deal with human migration -so the traditional uses of ice-like land. And that's really the complexity where marine is unique, I think, from the other areas that the NPC has tried to grapple with. How does the federal family approach this and work with them.

We haven't heard a lot from DFO directly. Perhaps it's been integrated into the federal positions, but in our review of other situations and the Oceans Act, we think maybe there's a stronger voice there than we've heard. I don't suppose that I could tell you what your voice should be, but it just does seem to be we haven't maybe heard clearly enough how the federal government would help

work with NPC to cover these overlapping jurisdictional issues. It's meant to be collaborative and constructive. We're not trying to be difficult. We're grappling with a very technical area, which is just at the edge of our ability to understand how our role should drag into this marine environment. I don't know if that's been helpful, but I tried to explain something rather than saying we're not doing it.

David: Yeah, and if I could just briefly add to that – I'll get back to you, Brian – the comment that Deborah from DFO made about marine mammal protection. That was tantalizing, so that's an area that we need DFO, or Planning Commission rather needs DFO to speak to as well as its Coastguard hat. So there are a number of areas that warrant further discussion, clearly, and as folks have said, filling in some of those gaps and making sure that all the tools are on the table, and then figuring out given the interests of Nunavummiut, how best to apply those tools in the given areas and the given times. Brian.

Brian: Thank you. I've got one idea I want to throw out in respect with all the other agencies that have confirmed interest to be part of the working group and be involved in the development of that first draft agenda. I'm wondering if NPC and Canada can maybe go back to their offices and get on the telephone together and work toward an agenda in that way? At this moment, I think that would probably be the best approach we can take.

David: Absolutely. I think that would be very helpful. Then once that draft agenda is in a suitable stage, then you can circulate it to the other folks who have indicated interest in further defining that agenda. Is that going to work well enough for folks? Miguel? Warren? Stephane is that a yes or a no?

*(Laughter)*

Stephane: Yes, it will work.

David: Alright Brian.

Brian: Sorry, David. Just to be clear: We will develop the draft together on the phone during the conference call. There's nothing coming before the call, from NPC's front.

David: Well I think there's enough with NPC's help in actually drafting the agenda, plus what's on the screen. There is enough to get started on that. That's a decent compromise. Ken?

Ken: I was having trouble hearing the last exchange just before you started talking, David. Is it a safe assumption that NPC staff do find the caribou format for the agenda a helpful analog, and that's the kind of things that we should expect, what the first cut of the agenda should look like?

Brian: Yes.

David: Appears so. Yeah?

Ken: This sounds very promising.

David: I'm relieved. Alright, any other comments around the table or on the phone?

Deborah: Mr. Chair, it's Deborah from DFO. I just want to say that DFO, including Canadian Coast Guard and its Ocean Program in Science, have been contributing information and input through the federal family with INAC as lead. So we have been very engaged in the process, but we do understand and hear that it would be very valuable to have DFO, Coast Guard, and possibly Oceans as well at the table at this workshop. I will be conveying that very clearly.

David: Great, thanks Deborah. Any final comments before we...Vicky.

Vicky: Vicky Johnston, Environment Canada. Just to confirm: It's a one-day meeting on March 10<sup>th</sup>.

David: That's the plan so far, and in Iqaluit. If in drafting the agenda it looks like one day might not be enough, then it's up to the folks engaged in that to move forward. Okay, so I think we're kind of done, tried in some cases.

What I'm going to suggest is, reverse to what we've been normally doing, I'm going to go to the folks on the phone and ask them if they've got any closing remarks. Then we'll just go around the table and finish up with the Planning Commission. So on the phone, any concluding remarks that you'd like to make about the workshop, next steps, and anything else?

*(No response)*

Okay, thank you. I'll go in clockwise and will leave the Planning Commission for last. Spencer, any concluding remarks?

Spencer: Thank you, David. Yeah, we certainly found this very helpful. I think it builds on the first two Technical Meetings, and I can see that we're closing the divide of some issues, while others still seem somewhat out of reach. But I think we have a good handle on how to get there and continue to get closer to a Plan that can go to a public hearing. Yeah, I think that's all we can say for now. Thank you.

David: Ken, anything?

Ken: I'll only add my thanks to all the participants and those who facilitated the meetings, and those who did all the work to make written materials were well developed in advance. I think this was a well conducted meeting, in which a lot of progress was made. It doesn't remove the work that remains, but it sure reduces it.

David: Miguel?

Miguel: Miguel from NTI. I'm sure if Bert was here, he'd be very eloquent and would say more than I. However, there was great work by everybody. I thought it was really good to hear from Jackie and Barney and community perspectives. We need more of that at the meetings. And of course, as always, thanks to the NPC for what they've done, for providing us with the coffee and treats and everything to keep us going. I always like to throw that in there if I can. I look forward to our next workshop. Thank you.

David: Thank you. Sophia.

Sophia: Sophia with NIRB. Yeah, the same from us as well. I just wanted to say thank you to NPC for this meeting and for everyone that participated. It was very informative and productive. We've gotten it a few steps forwards, and that's good. Looking forward to working with everyone as we continue in the process, and attending the workshops that are coming up. Again, thanks for all the good snacks. Thank you.

David: Vicky? Bruce? Warren.

Warren: Thanks. Warren with the KWB. I'd just like to thank everybody that attended this meeting, from the Inuit organizations, the Government of Nunavut, Chamber of Mines, the other RWOs, federal government, NIRB, and especially the NPC and our excellent facilitator. I've learned a lot from all of you, and I really appreciate the information you've all brought forward this week. It will be very helpful for the KWB as we develop our comments and continue to participate in this process. I look forward to seeing hopefully many of you again at the upcoming meetings. Thank you.

David: Thanks, Warren. Barney?

Barney: Thank you, David. Barney, Mayor of Chester. I want to thank everybody, too, for the opportunity of having me here and representing the people of our region. I hope in the near future we'll have a lot more community engagements with our higher departments for a better of understanding of exactly what the Nunavummiut want and how they'd like to have their territory run. That's it I guess. Thank you.

David: Thank you.

Stephane: Stephane Robert, Chamber of Mines. I want to thank everybody for this workshop. I think we are more closer than we were on the last Technical Meeting, and we are looking to have two constructive workshops in March for the caribou and the marine corridor. Thank you.

David: Thank you. Mitch.

Mitch: Thanks very much. I have been given some closing remarks.

*(Laughter)*

David: Stick to the script, Mitch.

Mitch: I want people to keep their pens on the table. Don't shuck them across. I have to read them as a good government employee, so here we go. Bear with me.

For the record, on behalf of the GN, I'd like to thank NPC for hosting the third Technical Meeting. The approval of a Nunavut Land Use Plan continues to be a high priority of the GN. Therefore, we will continue to be active participants in the NPC's continued refinement of this 2014 iteration.

A few procedural points to note for the record of this meeting: The GN's meaningful participation in these proceedings was limited due to time constraints and countered following the notice of the third Technical Meeting. We have heard in the last few days that funding for our wildlife co-

management partners is of concern and providing adequate notice for meetings with clear and achievable goals is one means to mitigate these financial strains.

Secondly, several GN comments concerning issues presented in the Refinements document have been omitted, and the list of issues discussed this week was not a comprehensive discussion of all issues raised to date. We understand that the NPC may have identified participant consensus or come to a resolution regarding these omitted issue. Regardless, the GN requests written clarification concerning NPC's consideration of any outstanding recommendations. This information will help all parties focus their attentions on critical issues in subsequent submissions.

The final point: Additionally, the GN reiterates the concern raised by many in the room concerning incorporation of IQ and community values within the Land Use Plan. The link between designations and values should be clear. This is particularly important in the context of NPC's procedures regarding the timing and nature of periodic reviews. More information is required from NPC concerning how and when Plan reviews will occur and how IQ and community feedback, as well as the perspectives of the planning partners and others, will be incorporated into the Plan.

Just the final part of this closing remark: The GN will consider all of the options presented in NPC's Refinements Document in preparing our final submission. The GN will also consider where there may be sufficient ecological and geospatial data to recommend specific land use conditions for Special Management Areas, namely heritage rivers, watersheds, polar bear denning areas, and certain seasonal caribou habitats. For calving and key access corridors, the GN continues to advocate for full prohibition of development activities regardless of mineral potential. We will be active participants in the March caribou workshop. Thank you, NPC, for your hard work to date. We look forward to seeing the refined Plan.

That's the end of the submission I was asked to read out. But just on a personal note, over the years since I became involved from the ground zero Technical Meeting, I have seen...before you get involved, you tend to think some of these things are pretty straightforward and what's the big deal. But I learned very quickly what the big deal was. I really applaud the NPC for how hard they've actually worked to incorporate all of these concerns, and the difficult position they are in. They are kind of in a no-win situation here. But thank you guys very much. I know how hard you work, and I appreciate your time on these really important issues, so thanks. Thank you.

David: Thanks, Mitch. Luis?

Luis: Luis Manzo, Kivalliq Inuit Association. Thank you, David. First I would like to start to thank NPC. I think this document they put forward with options is very helpful and clarified a lot of the issues in a sense and has given us opportunity to choose and do some recommendation for refinements, which I hope happens in the next meeting or workshop that we hold.

We also thank the rest of the partners in the development of the Land Use Plan. I'm hoping to send a report soon enough for the redline. Like the Government of Nunavut, we still holding our position for mineral potential, the infrastructure, alignments, and recommendations of rights in the territories, especially in the Kivalliq region. We will continue to consult the communities. We will do the due diligence on our end and also send that to NPC. Thank you, and everybody have a safe trip home. For our translators, thank you very much for the hard work. I appreciate that. Thank you very much.

David: Thanks, Luis. And I'll just take a couple of seconds to thank people for their engagement, their patience, and their tolerance, because my facilitating style is maybe not suited for everyone. I thank the translators and interpreters for all the hard work they do; Alana for keeping us up to date on the agendas; and for Jazz back there quietly working away with a lot of work ahead. I thank the Commission for its flexibility and its tolerance for its poking and prodding. I appreciate – I deeply appreciate – how hard everybody on the Commission works. It's an enormous task, and they're spread pretty thin, and they work long hours. So thank you very much.

Alan: Brian said that I could go first. Alan for the NPC, Legal Counsel. People have thanked everyone, and I echo those mutual thanks for people's contribution. People have acknowledged the work of the NPC staff. I have a unique perspective on that, and I would be remiss if I didn't take a moment to read portions of three emails that were sent on New Year's Eve.

So at about 11:00 a.m. Arviat time on New Year's Eve, December 31<sup>st</sup>, Brian sent to the group over here and to me a very brief email: "Happy New Year. I can be available between 3:00 and 5:00 p.m. I can't speak for Jon or Peter. They may have events planned. Brian." Well who would have events planned on New Year's Eve, right?

And then just for clarification, Brian at 12:00 says, "In fact, for clarity, I'm available all day today or between 3:00 to 5:00 Central tomorrow New Year's Day. Jon has also got anytime today, but I don't know when he would be available tomorrow."

Now Jon as we know, is Mr. Cool and Calm and Collected, but when he received that email, and perhaps because Brian seemed to be speaking for New Year's Day, not just New Year's Eve, Jon says, "Is there going to be a call today?"

So I think that pretty much sums up how hard these guys work. I see it every day, and yes, I get emails on Christmas Day from these guys. Well done, guys. Pretty complicated topics. Thanks.

Brian: I forgot those two days how it worked out. Likewise, the NPC appreciates all the work done planning for this session and being at the session this week. Thank you for your patience, understanding and as well putting up with the four of us here. In particular I'd like to recognize the folks at the back. Alana and Hugh, as well as our GIS staff member who got the maps ready over Christmas break as well, and of course the translators, yourself, and Jazz behind us who will be doing more work trying to get the transcript ready for us. So again, thank you very much and we look forward to the March sessions, and hopefully those will be the last two workshops in terms of working up towards the redline. Qujannamiik. Thank you very much.

David: Just one last thing: I think Hugh isn't here, and that's a good thing, because he has been insisting on a group hug every day. Because he's not here, we can just tell him that we had a virtual group hug. Alright, thanks very much everybody, and safe travels.

### **TECHNICAL MEETING 3 ADJOURNED**