

# **Kivalliq Wildlife Board**

## **March 2016 Comments on Draft Nunavut Land Use Plan**

The Kivalliq Wildlife Board (KWB) has prepared comments and recommendations for the Nunavut Land Use Plan, related to the following issues:

- 1) Caribou Habitat
- 2) Walrus Haul-outs
- 3) Marine Shipping Issues
- 4) Offshore Oil and Gas Development
- 5) Areas of Community Interest
- 6) Existing Mineral Claims, Permits, and Licences

To prepare these comments, the KWB did the following:

- Participated in Nunavut Planning Commission technical meetings.
- Held a series of workshops with each Hunters and Trappers Organization (HTO) in the Kivalliq Region. HTO board members, and invited Inuit Qaujimajatuqangit (IQ) experts were present at each workshop.
- Participated in and co-facilitated a regional caribou workshop in October 2015.
- Participated in the Nunavut Wildlife Management Board's caribou workshop in November 2015.
- Conducted research into Kivalliq community concerns and land use conflicts (based on the public record of Nunavut Impact Review Board screenings and reviews).

The KWB will continue to discuss land use planning with Kivalliq HTOs, and will provide additional comments prior to the final hearing, based on the ongoing input from HTOs.

The KWB believes that land use planning is a vital and integral component of the regulatory system in Nunavut. Existing land use plans are out-dated, and have not been subject to necessary reviews and revisions. As such, the regulatory system in Nunavut will be fundamentally broken until a new land use plan has been developed and implemented. The development of a new land use plan is an important opportunity to resolve significant land use conflicts in the territory. The KWB therefore appreciates the opportunity to participate in the land use planning process.

## CARIBOU HABITAT

### 1) Mainland Caribou Calving Grounds – Protected Areas

The Draft Nunavut Land Use Plan provides protection for core caribou calving grounds in areas that are not designated as “high mineral potential”. The calving areas that have high mineral potential are given no protection.

*Recommendation #1 – the KWB recommends that the Nunavut Land Use Plan designate core calving grounds and key access corridors (as defined by the Government of Nunavut) protected areas, regardless of their mineral potential. Mining, exploration, quarries, all-season roads, and winter roads should not be permitted in these areas.*

All mainland HTOs recommended mining and exploration activity be banned in caribou calving grounds during workshops with the KWB. Elders in each community stated that protecting caribou calving grounds was vital for the sustainability of caribou herds. The wisdom and values of Elders is an important aspect of Inuit knowledge, or IQ. Elders explained that there are traditional rules to protect caribou during calving and caribou calving grounds. Inuit have traditional hunting seasons, and do not hunt cows and calves during the spring and summer months. Further, many Elders instruct hunters to avoid making permanent changes to the landscape in calving grounds (e.g. they teach that cabins and other permanent structures should not be built in calving grounds).

The KWB has repeatedly recommended that mining and exploration should not take place in or near caribou calving grounds. The KWB has passed numerous resolutions to this effect, and has submitted them to the NPC. The KWB has also written letters requesting the Government of Canada, NTI, and the Regional Inuit Associations place a moratorium on mining and exploration in caribou calving grounds until the land use planning process is complete.

Kivalliq HTOs repeatedly opposed development in caribou calving grounds during NIRB screenings and reviews. Uravan’s Gary Lakes proposal, Anconia’s Victory Lake proposal, and AREVA’s Kiggavik proposals are all examples of this opposition. Dene and Metis communities that hunt migratory herds that give birth in Nunavut have repeatedly opposed development in caribou calving grounds during NIRB screenings and reviews. Uravan’s Gary Lakes proposal, Anconia’s Victory Lake proposal, AREVA’s Kiggavik proposal, Tundra Copper’s Coppermine proposal, and MMG’s Izok Lake Corridor proposal are all examples of this opposition. The Beverly and Qamanirjuaq Caribou Management Board (BQCMB) has repeatedly recommended that mining and exploration be banned in caribou calving grounds. See *Appendix A* for a list of examples of letters and motions from HTOs and other groups opposing mining and exploration in caribou calving grounds.

The Kivalliq Wildlife Board believes that a mine in the center of caribou calving grounds would be unable to obtain a social licence. A mine located in the heart of a major caribou herd’s calving grounds would cause significant public concern, that could not be addressed through mitigation measures, consultations, or other engagement activities.

It is important to note that the Nunavut Impact Review Board has repeatedly recommended that the land use planning process deal with the question of mining and exploration in caribou calving grounds. In numerous screening decision reports, the NIRB has made it clear that this question is outside of its jurisdiction, and is causing significant public concern. As this question is outside of the NIRB's mandate, it must be dealt with by the NPC.

The GN's definition of "core" calving grounds do not encompass all areas caribou use for calving. Both science and traditional knowledge show that caribou give birth outside of these core areas. The BQCMB, for example, has recommended that much larger "traditional" calving grounds be protected. The KWB believes that core calving grounds and key access corridors are the minimum areas that require protection to properly protect caribou.

## **2) Mainland Caribou Post Calving Grounds – Protected Areas**

The Draft Nunavut Land Use Plan provides protection for core caribou post-calving grounds in areas that are not designated as "high mineral potential". The post-calving areas that have high mineral potential are given no protection.

*Recommendation #3 – the KWB recommends that the Nunavut Land Use Plan designate core post-calving grounds (as defined by the Government of Nunavut) protected areas, regardless of their mineral potential. Mining, exploration, quarries, all-season roads, and winter roads should not be permitted in these areas.*

The KWB has repeatedly recommended that mining and exploration should not take place in caribou post-calving grounds. The KWB has passed numerous resolutions to this effect, and has submitted them to the NPC. There are traditional rules to protect caribou during post-calving season. Inuit have traditional hunting seasons, and do not hunt cows and calves during the spring and summer months.

It is important to note that the GN's "core" post-calving grounds are frequently used by caribou for calving. Protecting the core post-calving grounds will go a long way towards protecting not just post-calving grounds, but actual calving grounds as well.

The GN's definition of "core" post-calving grounds do not encompass all areas caribou use during the post-calving season. Both science and traditional knowledge show that caribou nurse their young outside of these core areas. The BQCMB, for example, has recommended that much larger "traditional" post-calving grounds be protected. The KWB believes that core post-calving grounds are the minimum areas that require protection to properly protect caribou.

## **3) Southampton and Coates Island Caribou Calving Grounds – Seasonal Restrictions as Interim Protection**

The Draft Nunavut Land Use Plan does not contain any provisions for caribou habitat on Southampton and Coates Islands

*Recommendation #4 – the KWB recommends that the Nunavut Land Use Plan place seasonal restrictions on all land use on Southampton and Coates Island as interim protection, until sufficient data can be collected to properly delineate core calving and post-calving grounds on these islands. Mining and exploration activities should not be permitted during the calving and post calving season on these islands.*

There is currently a lack of data on the seasonal migrations of caribou on Southampton and Coates Island. The Government of Nunavut has not delineated core calving or post calving grounds for these islands. Until this data is collected, the KWB recommends that seasonal restrictions should be placed on all mining and exploration activity on these islands. Once sufficient data is collected, calving and post calving grounds should be designated protected areas. The Coral Harbour HTO supported seasonal restrictions at a workshop with the KWB.

#### **4) Mainland Caribou Water Crossings – Protected Areas**

The Draft Nunavut Land Use Plan does not contain any provisions for caribou water crossings.

*Recommendation #5 – the KWB recommends that the Nunavut Land Use Plan designate caribou water crossings protected areas. Mining, exploration, quarries, all-season roads, and winter roads should not be permitted within 10km of known water crossings.*

The issue of caribou water crossings was raised at the Baker Lake and Arviat HTO workshops. Both communities recommended protecting known caribou water crossings. A submission from the Baker Lake HTO included a research report and workshop report, which contain information about the importance of water crossings to caribou and caribou hunting. The reports state that water crossings are essential hunting areas for Inuit in Baker Lake, water crossings are important areas for cultural heritage, and water crossings are sensitive habitat for caribou. The reports also list many traditional rules for caribou water crossings, which are inconsistent with mining and exploration. The report also details a long history, dating back to the 1970s, of Inuit in Baker Lake fighting to protect caribou water crossings from mining and development.

The Government of Canada has recognized the ecological and heritage value of water crossings through legislation. Some water crossings are subject to seasonal protection through the federal government's Caribou Protection Measures. Select water crossings on the Kazan have been designated Heritage Areas by Parks Canada. The Kivalliq Inuit Association also protects some water crossings on Inuit Owned Lands through its land use permits.

In their submissions, the Arviat and Baker Lake HTOs mapped out water crossings based on Inuit knowledge, or IQ. Maps of additional known water crossings that also warrant protection are included in *Appendix B*.

#### **5) Migration Routes – Seasonal Restrictions**

The Draft Nunavut Land Use Plan does not contain any provisions for caribou migration routes.

*Recommendation #6 – the KWB recommends that the Nunavut Land Use Plan places seasonal restrictions on caribou migration routes. Mining and exploration activity should not be permitted during the migration season.*

It is important that caribou migration routes are not disturbed. If routes are disturbed, caribou might not reach the habitat they need for calving, mating, and winter feeding. This could have negative impacts on the number of caribou.

Predictable caribou migration routes are also very important for caribou hunting by Inuit and other indigenous groups that harvest from mainland herds that migrate through Nunavut. If migration routes are disturbed, caribou may not reach favoured hunting locations like water crossings. Major changes in migrations could make caribou inaccessible for some communities.

The Government of Nunavut has provided maps of seasonal migration routes, and has also recommended seasonal restrictions on these areas.

## **6) Mobile Protection Measures**

*Recommendation #7 – the KWB recommends that the Nunavut Land Use Plan requires proponents to commit to abiding by “mobile caribou protection measures”. Mining and exploration activity should temporarily cease when caribou are found near the project, especially during calving, post-calving, rutting, and migration seasons.*

Areas identified for protection are based on Government collar data. They are the areas most heavily used by caribou during calving, post-calving, and migration seasons. However, from year to year, caribou frequently utilize areas outside of these “core” areas. Caribou must be protected from disturbance when they are outside of the core areas. Mobile Protection Measures can help provide this protection from disturbance. When caribou are near a mining or exploration project, the project activities must cease until caribou pass through the area. These rules must be especially strict during calving, post-calving, rutting, and migration seasons.

## Walrus Haul-Outs

The Draft Nunavut Land Use Plan “provides direction to regulatory authorities to mitigate impacts” on walrus haul-outs.

*Recommendation – the KWB recommends that the Nunavut Land Use Plan provide increased protection for walrus haul-outs. Mining, exploration, and related activities should be prohibited at walrus haul-out sites. Marine shipping traffic should be required to maintain a minimum distance of 20km from walrus haul-out sites.*

At a KWB workshop, the Coral Harbour HTO raised a number of concerns with the impacts of industrial activity and ship traffic on walrus haul-outs. The HTO directors said that the community has observed increased ship traffic negatively impacts walrus haul-outs on walrus island. The HTO was also concerned that other industrial activity could impact walrus haul-outs. Board members explained that there are traditional rules in Inuit culture to protect and respect walrus haul-outs, and that Inuit are taught not to hunt walrus when they are hauled out on shore. If walrus are shot on a haul-out, the other walrus will not return to the area. The HTO recommended that walrus haul-outs be protected from industrial activity, and that marine transportation should be banned within 20km of walrus haul-outs.

The Coral Harbour HTO noted the location of several Walrus haul-outs in their community area. A map of these haul-outs is included in *Appendix C*.

## **Marine Shipping**

### **1) Sea ice and travel routes**

The Draft Nunavut Land Use Plan does not provide protection for Inuit hunters' travel routes over sea ice

*Recommendation – the KWB recommends that the Nunavut Land Use Plan include seasonal restrictions prohibiting marine transportation that would destroy areas of sea ice Inuit hunters rely upon for travel in winter months.*

It is widely acknowledged that sea ice is absolutely integral to numerous traditional Inuit practices, including wildlife harvesting, camping, and travel. Marine shipping activities that destroy sea ice used for travel would have significant negative impacts on Inuit traditional practices that could not be mitigated. Travel between communities, as well as travel to hunting/camping sites would be impacted.

### **2) Floe Edge**

The Draft Nunavut Land Use Plan does not protect the floe edge from damage from marine shipping.

*Recommendation – the KWB recommends that the Nunavut Land Use Plan include seasonal restrictions to prohibit marine transportation that would damage the floe edge, or cause the floe edge to break up prematurely in the spring.*

The floe edge is an essential site for hunting marine mammals. Damage to the floe edge from marine shipping could seriously impede the ability of communities to hunt marine mammals during the winter and spring. The Coral Harbour HTO has indicated that marine traffic has prematurely damaged the floe edge in the past, and that it had a significant impact on the community.

### **3) Chesterfield Inlet**

The Draft Land Use Plan does not contain restrictions on shipping through Chesterfield Inlet.

*Recommendation – the KWB recommends that the Nunavut Land Use Plan designate Chesterfield Inlet a special management area. Management restrictions should limit the volume of ships permitted to travel through the inlet on an annual basis.*

Hunters and Elders from Chesterfield Inlet and Baker Lake have repeatedly complained about the impacts of increased shipping through the inlet, associated with the Meadowbank gold mine. There is a well-documented record of observations of changes in sea mammal distribution. Hunters complain that increased shipping has driven sea mammals out of the inlet during the shipping season, impacting wildlife harvesting. Examples of these observations are provided

in *Appendix D*. The Aqigiq (Chesterfield Inlet) HTO recommended that the Nunavut Land Use Plan limit the amount of ships that travel through the inlet.

#### **4) Coates, Southampton, and Walrus Island**

The Draft Nunavut Land Use Plan does not contain restrictions on shipping near Coates, Southampton, and Walrus islands.

*Recommendation – the KWB recommends that the Nunavut Land Use Plan restrict shipping near Coates, Southampton, and Walrus Islands. Marine shipping routes should be placed south of Coates Island, rather than between Coates and Southampton Island.*

Hunters and Elders from Coral Harbour have repeatedly complained about the impacts of marine ship traffic on walrus habitat between Coates and Southampton islands. In particular, the walrus haul-outs on Walrus Island have been impacted by shipping. At a KWB workshop, the Coral Harbour HTO recommended that ship traffic be rerouted to the south of Coates Island.



## **Offshore Oil and Gas Development**

The Draft Nunavut Land Use Plan does not contain any restrictions on offshore oil and gas development.

### **1) Moratorium on hydrocarbon exploration near Coates and Southampton Island**

*Recommendation – The Kivalliq Wildlife Board recommends the*

The Southampton basin is noted for having “moderate” hydrocarbon potential, but has been only been explored minimally. In 1971, community leaders from Coral Harbour succeeded in pressuring the federal government to place a moratorium on hydrocarbon development near Coates and Southampton Islands, due to the environmental sensitivity of the area. The community successfully defended the moratorium throughout the 1970s and 1980s.

The Keewatin Regional Land Use Plan reaffirmed that moratorium.

“The area encompassing southern Southampton Island and Coats Island is very important for wildlife. It includes polar bear denning areas, walrus haul-outs and nesting and staging areas for migratory birds. The NPC thinks that the area is best suited as a refuge for wildlife and that the moratorium on hydrocarbon exploration should be continued. If interest in oil and gas exploration increases, the NPC will review the relevant provisions of the plan.” (KRLUP: 60)

At the KWB workshop in January 2016, the Coral Harbour HTO indicated that members still have significant concerns with hydrocarbon development in the area. Board members were concerned about the potential impacts of accidents, especially oil spills. Seismic survey exploration continues to be highly contentious as well. Residents are concerned that surveys could kill marine mammals or scare marine mammals away from important habitat and hunting areas. The HTO indicated that the moratorium should remain in place until the community of Coral Harbour is properly consulted on the potential impacts and benefits of hydrocarbon exploration. The HTO believed that the moratorium should only be overturned if a public meeting was held in the community, with information presented by industry, government, Inuit organizations, and non-governmental organizations.

The KWB believes that the NPC’s process for land use plan amendment could provide this type of consultative process. Therefore, the KWB recommends the moratorium on hydrocarbon development be carried forward into the Nunavut Land Use Plan. This will ensure that the consultative process, requested by the HTO, takes place before any work is permitted.

### **2) Hydrocarbon exploration in Hudson Bay**

*Recommendation – the Kivalliq Wildlife Board recommends the Nunavut Land Use Plan acknowledge ongoing opposition to offshore hydrocarbon exploration in the Kivalliq region. The NPC could consider extending the moratorium on hydrocarbon exploration to include the Western Hudson Bay area near communities that do not support offshore oil development.. The plan should contain provisions to ensure the Nunavut Impact Review Board is involved in the assessment of*

*transboundary impacts for hydrocarbon exploration in areas that lie outside of the Nunavut Settlement Area.*

During workshops in 2015, several Kivalliq HTOs indicated that they were opposed to offshore oil and gas development near their communities. Concern was also expressed about the potential impacts of hydrocarbon development further offshore into Hudson Bay. Major concerns included the impacts of noise from seismic surveys and drilling, as well as the impacts of a potential oil spill.

Recent proposals for seismic surveys near Baffin Island have caused significant public concern, and raised serious questions about the way Government consults with Inuit hunters on offshore issues. Consultation could be improved through the involvement of the Nunavut Impact Review Board in assessing transboundary impacts of oil and gas projects which will have transboundary impacts on Nunavut hunters. Proposals to explore for, extract, or transport oil through marine environments

## **Areas of Community Interest**

Most Kivalliq HTOs have submitted comments to the NPC independently of the Kivalliq Wildlife Board. Some of these comments included proposals for protection of community areas of interest. The Kivalliq Wildlife Board supports these proposals, and recommends the NPC consider protecting these areas.

The Rankin Inlet and Coral Harbour HTOs did not submit comments independently, but did propose areas for protection during workshops with the KWB.

### **1) Rankin Inlet**

*Recommendation – the Kivalliq Wildlife Board recommends Diane River and Corbett Inlet areas be designated protected areas under the Nunavut Land Use Plan. Mining, Exploration, and associated activities should be prohibited in these areas.*

At the 2015 workshop with the KWB, the Rankin Inlet HTO recommended that the Diane River, Corbett Inlet, and Meliadine River areas be designated protected areas under the Nunavut Land Use Plan. Because there is already an operating mine in the Meliadine River area, it is likely unfeasible to designate it protected.

Workshop participants explained that the Corbett Inlet and Diane River areas are essential areas for Inuit traditional land use.

The Diana River and surrounding lakes is one of the most popular fishing areas for the community of Rankin Inlet. Inuit and Qallunaat alike use this area for fishing, especially in the spring and summer. The river is an excellent char and trout fishing area. Inuit fish with nets in the nearby lakes throughout the year. Diana Lake is also a spawning area for char and trout. The Diana River area is also an important caribou hunting area. Many Inuit camps were located in the Diana River area historically. There are important heritage sites for some families that should be protected.

Corbett Inlet and the surrounding lakes is an important site for both subsistence and commercial fishing. Char are fished in the inlet. Both char and trout are fished in the surrounding lakes.

Many Inuit camps were located in the Corbett Inlet area historically. There are important heritage sites for some families that should be protected.

*Appendix E* contains a map of the areas the Rankin Inlet HTO has nominated for protection.

## **2) Coral Harbour**

*Recommendation – the Kivalliq Wildlife Board recommends beluga whale calving grounds near Southampton Island be designated protected areas. Mining, oil, and gas development and associated activities should be banned within 30km of these areas. Marine traffic should maintain a minimum distance of 30km from these areas.*

At the 2016 workshop with the KWB, the Coral Harbour HTO noted the location of two beluga whale calving grounds near the east shore of Southampton Island. The HTO indicated that calving is a sensitive time for beluga whales, and that these areas should be protected from disturbance and habitat destruction. The HTO recommended that Mining, oil, and gas development and marine transportation be banned within 30km of the calving areas. See *Appendix F* for a map of Beluga calving areas.

*Recommendation – the Kivalliq Wildlife Board recommends the Nunavut Land Use Plan designate the main Char fishing rivers on Southampton Island protected areas. Any industrial activities which would impede char runs or directly destroy char habitat should be prohibited.*

At the 2016 workshop with the KWB, the Coral Harbour HTO noted the location of several rivers which were essential char fishing locations for the community. These included the Sutton River, Sixteen Mile Brook, Unhealing Brook, and the Thompson River. The HTO recommended that a land use plan protect these areas for their fishing value. See *Appendix G* for a map of these fishing rivers.

## **Existing Mineral Claims, Permits, and Licences**

The Government of Canada has proposed that all existing rights held by the mining industry should be entirely “grandfathered” under the Nunavut Land Use Plan. This means that existing rights holders would be exempt from the plan. If a company holds permits to explore in an area that the land use plan protects (like calving grounds) they company would be allowed to continue exploring in the calving grounds after the land use plan comes into force.

The Government proposes that these rights should be grandfathered through the entire mining cycle. That means, if someone holds even a basic prospecting permit, they would have the right to mine in the area, whether or not it is in a protected area like calving grounds. They would also have the right to build all the infrastructure a mine would require (like roads, airstrips, quarries, etc).

The Kivalliq Wildlife Board (KWB) disagrees with the Government of Canada position on existing rights, and passed a resolution to this end at its October 2015 AGM. The KWB supports a much more minimal form of grandfathering. Rights should not be grandfathered through the entire mining cycle, lower level permits should not be grandfathered, there should be no grandfathering of rights within caribou calving grounds.

### **1) The Government of Canada’s proposal would undermine the ability of the Nunavut Planning Commission to create a land use plan that adequately protects the interests of hunters in Nunavut.**

Kivalliq hunters want a land use plan that will provide protection to important wildlife habitat and important hunting areas. Many of the areas hunters have proposed for protection (caribou calving grounds, caribou water crossings, etc.) contain existing mineral and mining rights. If mineral rights are completely grandfathered, it will severely limit the protection of these key areas.

Because hunting is essential to food security and traditional culture, a land use plan that does not protect hunters’ interests does not protect the wellbeing of Inuit or Nunavummiut. This would be contrary to the primary purpose of land use planning, as stated in the Nunavut Land Claims Agreement.

“the primary purpose of land use planning in the Nunavut Settlement Area shall be to protect and promote the existing and future well being 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.” (11.2.1b)

The Kivalliq Wildlife Board believes that only minimal grandfathering should be permitted. The Kivalliq Wildlife Board encourages the Nunavut Planning Commission, the Government of Canada, the Government of Nunavut, and Nunavut’s Inuit organizations to work with Hunters and Trappers Organizations and Regional Wildlife Boards to find a way to deal with existing rights that does not undermine the ability of a land use plan to protect hunters’ interests.

**2) The Nunavut Planning and Project Assessment Act (NuPPAA) already provides a framework for dealing with existing rights in land use planning.**

The issue of existing rights is dealt with in the Nunavut Planning and Project Assessment Act (NuPPAA). NuPPAA was developed with extensive consultation with representative Inuit organizations, institutions of public government, and territorial government bodies.

Sections 69 and 207 of NuPPAA contain provisions for existing rights under land use plans. According to these sections, if a project has already been approved, begun an assessment, or begun operations before a new land use plan comes into effect, it will not be subjected to prohibitions under the land use plan. If a company held exploration rights in calving grounds, and a new land use plan prohibited mining and exploration in calving grounds, the company would be allowed to continue its exploration project.

However, NuPPAA does not imply that proponents automatically have the right to “upgrade” their permits. If a company held exploration rights in calving grounds, and a new land use plan prohibited mining and exploration in calving grounds, the company should not necessarily be permitted to develop their project into a full mine without an amendment to the land use plan.

**3) Inuit hunters were not adequately consulted when rights were issued to “low-level” exploration activities.**

The Kivalliq wildlife board believes that Inuit hunters were not properly consulted when many of these prospecting and low-level exploration permits were issued. Basic prospecting and low-level exploration do not require screening by the Nunavut Impact Review Board (NIRB). NIRB screenings are usually the first time hunters find out about exploration work. The only consultative process that considers basic prospecting and low-level exploration is land use planning. However, land use plans are not in place for much of Nunavut. In areas where land use plans do exist (like the Kivalliq region), plans have not been reviewed or updated recently, despite provisions within them for regular reviews and revisions. For example, the Keewatin Regional Land Use Plan was last reviewed in 2000, despite the fact that the plan states that it is to be reviewed every five years.

As a result, Inuit hunters have not been adequately consulted on prospecting permits, exploration permits, and mineral claims that have not been subjected to a NIRB screening or review. Grandfathering these permits, licenses, and claims would be a violation of Inuit hunters’ constitutional right to be meaningfully consulted on land use in their traditional territory.

**4) Proponents operating in caribou calving grounds were aware that they were making risky investments by advancing projects in contentious areas that may be subject to land use restrictions and/or prohibitions in the future.**

The Government of Canada’s position on existing rights claims that proponents expected that they would have the ability to open a mine in the areas they invested in.

“The tenure issued to the current rights holders has been issued in accordance with the “rules of the day”. The expectation of these clients is that their investments from the beginning of the cycle to the end are secure and are to be allowed to proceed to the next stage within the expectations of the current regulatory regime. Millions of dollars have been spent on research, field work, administration, and tenure charges in Nunavut by clients who are in the early stages of the mining cycle.”

In the case of caribou calving grounds, this is not the case. During NIRB screenings for exploration work in calving grounds, proponents were given extensive notice that exploration and mineral development in calving grounds is a contentious issue in Nunavut. Submissions to NIRB screenings from the Government of Nunavut, various Hunters and Trappers Organizations, and various residents of Nunavut have indicated that there is significant concern with, and opposition to, mining and exploration in caribou calving grounds. Likewise, submissions from the Beverly and Qamanirjuaq Caribou Management Board and various Dene and Metis communities and organizations in Saskatchewan and the Northwest Territories indicated significant concern with and opposition to development in calving grounds.

In screening decisions for projects in caribou calving grounds, The Nunavut Impact Review Board has repeatedly included recommendations to territorial and federal government agencies, regional Inuit associations, and the Nunavut Planning Commission to consider new protections for caribou and caribou habitat in the Nunavut Land Use Plan.

**5) A mine in caribou calving grounds would be unable to obtain a social licence to operate in the Kivalliq region.**

The Kivalliq Wildlife Board is of the opinion that a mine in caribou calving grounds would be unable to obtain a social licence. A mine located in the heart of a major caribou herd’s calving grounds would cause significant public concern, that could not be addressed through mitigation measures.