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RE: Written Submission on the 2021 Draft Nunavut Land Use Plan

Dear Ms. Ehaloak: *Sharon*

On behalf of the Government of Canada, please find the attached submission, "Government of Canada Comments and Recommendations on the 2021 Draft Nunavut Land Use Plan" (Plan). This joint federal submission consolidates the views of Crown-Indigenous Relations and Northern Affairs Canada, Transport Canada, Environment and Climate Change Canada, Parks Canada, Department of National Defence, Natural Resources Canada, Department of Fisheries and Oceans, Global Affairs Canada and the Canadian Coast Guard on the draft Plan. Justice Canada has also supported the development of this submission.

The Government of Canada began reviewing the 2021 draft Plan when it was released on July 8, 2021, and noted errors, some of which were addressed with the release of the "corrected" version released on September 1, 2021. These circumstances, as well as the delay in the relevant digital map files being made available, proved challenging for reviewers and complicated our review. As a result, the Government of Canada is still completing its analysis based on the new requirements and information included in the corrected version and the digital map files. Additional comments from federal government departments may be forthcoming as this analysis continues, and while the public record remains open.

We acknowledge that a number of the Government of Canada's recommendations from 2017 and 2018 have been incorporated in the 2021 Plan. There remain some substantive issues, as outline in the attached submission. The Government of Canada encourages the Nunavut Planning Commission, following the hearings, to work with parties on revisions to the draft Plan.





The Commission's process, as laid out in the Nunavut Agreement and the *Nunavut Planning and Project Assessment Act*, is used by the Crown to discharge its duty to consult with Indigenous peoples. The Government of Canada remains actively engaged throughout the Commission's process, listening to Indigenous concerns and issues and noting how they may be resolved. The Commission's final draft plan, submitted to the approving parties, along with the Government of Canada's identification of those concerns and potential solutions, provides federal decision-makers information that allows them to assess the adequacy of Crown consultation, and forms the basis of the Minister's decision and subsequent consideration by Governor-in-Council. The Government of Canada therefore urges Indigenous peoples to focus their efforts on providing the Commission with all the information it will need to evaluate the draft plan, and how it might affect their rights and interests, including section 35 rights.

Translations are underway for the French, Inuktitut and Inuinnaqtun versions and will be provided to the Commission as soon as available.

Should you or your staff have any questions regarding the submission, please do not hesitate to contact Spencer Dewar, Director, Resource Management, at (867) 975-4546 or myself at (867) 975-4501.

Sincerely,

Krista Henriksen
Regional Director General
Nunavut Region
Crown-Indigenous Relations and Northern Affairs Canada

EXECUTIVE SUMMARY

Government of Canada review of 2021 Draft Nunavut Land Use Plan Nunavut Planning Commission Public Hearings: November 2021

The Government of Canada acknowledges the efforts and commitment of the Government of Nunavut, Nunavut Tunngavik Incorporated, and the many participants that have provided information, advice and recommendations to the Commission in its development of this draft Plan. The federal government has reviewed the 2021 Draft Nunavut Land Use Plan (draft Plan) and prepared this submission to the Commission based on the latest draft (released September 1, 2021). This submission provides comments and recommendations to assist the Commission in drafting a final version of the Plan for submission to the approving parties.

The Government of Canada is of the view that through collaboration with the Commission and other participants, the issues we present can be resolved in this draft of the Plan. We encourage the Commission to ensure there is space for this collaborative approach to take place following the public hearings, after all parties will have had an opportunity to voice their views on the issues we have raised, so that the Commission can make final revisions that will have a greater chance of producing a supportable Plan.

Introduction

Section 1 introduces the submission and provides general comments on the draft Plan. In this section we provide the criteria that guided the Government of Canada's review of this first generation Nunavut Land Use Plan and its first impressions of the 2021 draft Plan. Comments are provided on the improvements made in this version of the draft Plan and the Options and Recommendations document, as well as provide a brief description of some substantive issues identified by the Government of Canada.

Substantive Issues to be Resolved

Section 2 describes the substantive issues that should be addressed and resolved by the Commission prior to the Plan being submitted for approval. A brief description of the contents in each section is provided below.

- **2.1: Mineral Development, Existing Rights, and Conservation** outlines the implications of zoning for the protection of caribou habitat on existing rights in the Draft 2021 plan. This section also highlights some practical challenges in implementing the provisions for existing rights as currently drafted, and provides recommendations for clear guidance regarding existing rights in the draft Plan.
- **2.2: Caribou Sea Ice Crossings** presents the Government of Canada's concerns regarding the proposed Plan Requirements for caribou sea ice crossings, highlights international implications, of the proposed Plan Requirements, outlines aspects in need of clarification, and makes recommendations to consider developing a collaborative Plan Requirement to protect caribou sea ice crossings.
- **2.3: North Water Polynya** discusses the international implications regarding the restrictions in Sarvarjuaq and Pikialaorsuaq, and suggests wording that would allow the Government of Canada to meet its international obligations in the territorial sea and exclusive economic zone.

- **2.4: National Marine Conservation Areas** addresses the Plan requirements that apply to Tallurutiup Imanga, including recommendations on interim prohibitions, Key Migratory Bird Habitat Areas under Map A and Table 1 of the draft Plan, as well as suggested language for section 3.1.2 of the draft Plan for the Commission’s consideration.
- **2.5: Operations at Department of National Defence Sites** identifies some of the challenges that exist in implementing the draft Plan’s requirements under section 4.7, describes conflicting land use designations that overlap military facilities and infrastructure, and provides recommendations on how the Commission could work towards addressing these conflicts.
- **2.6: Overlapping Land use Designations** describes the Government of Canada’s concerns regarding overlapping land use designations in the draft Plan and provides recommendations on the interpretation of overlaps and addressing conflicting Plan Requirements.
- **2.7: Linear Infrastructure Corridors** highlights the provisions for linear infrastructure in the draft Plan and recommends certain changes be made to support economic development and to address overlap with interim land withdrawals.
- **2.8: Disposal at Sea** conveys detailed information on disposal at sea as defined under the *Canadian Environmental Protection Act, 1999*, addresses the implications of the draft Plan’s prohibitions on disposal at sea, and makes a recommendation regarding proposed Plan Requirements that include those prohibitions.

Recommendations for Clarity and Accuracy

Section 3 includes a number of recommendations that would improve clarity and accuracy of the draft Plan. These recommendations include:

- suggested wording to align the draft Plan with the *Nunavut Planning and Project Assessment Act* and the Nunavut Agreement;
- adjustments to the scope of Plan Requirements;
- clarifications to Plan Requirements, exceptions to those requirements, and how they are formatted in the draft Plan;
- changes to definitions under *Appendix B* of the draft Plan;
- changes to more accurately reflect the most up to date information on Migratory Bird Classifications and Key Habitat Sites;
- adjustments to the wording under the marine shipping section;
- clarifications regarding contaminated sites, and interpretation and application of a minor variance; and
- development of common reporting requirements that would help streamline the reporting process and ease administrative burden.

Additional Errors, Omission and Edits

Section 4 consists of a compilation of recommendations based on errors, omissions and edits that were identified by the Government of Canada in the draft Plan. This table has three columns: reference to the draft Plan (per the version released on Sept 1st, 2021), a description of the issue, and a recommendation. It is sorted by page number and is separated into four sections: Plan, Tables & Figures, Maps, and Appendices.



Government
of Canada

Gouvernement
du Canada

Government of Canada Comments and Recommendations on the 2021 Draft Nunavut Land Use Plan

Submitted to the Nunavut Planning Commission on October 8, 2021

Table of Contents

1	Introduction	1
2	Substantive Issues to be Resolved	4
2.1	Mineral Development, Existing Rights, and Conservation.....	4
2.1.1	Practical challenges.....	5
2.1.2	Requirements for clear guidance regarding existing rights	6
2.2	Caribou Sea Ice Crossings.....	8
2.2.1	Map A3 – Site 103	9
2.2.2	International Implications.....	9
2.2.3	Collaborative Process for Caribou Sea Ice Crossings	11
2.3	North Water Polynya (Sarvarjuaq/Pikialaorsuaq).....	11
2.4	National Marine Conservation Areas/Tallurutiup Imanga.....	12
2.4.1	Interim prohibitions for Tallurutiup Imanga	12
2.4.2	Key Migratory Bird Habitat Areas in Tallurutiup Imanga	12
2.5	Operations at Department of National Defence Sites	14
2.5.1	Conflicting Land Use Designations	15
2.6	Overlapping Land Use Designations	16
2.7	Linear Infrastructure Corridors	17
2.8	Disposal at Sea	18
3	Recommendations for Clarity and Accuracy.....	20
3.1	Legal Consistency and Accuracy.....	20
3.1.1	Alignment with the <i>Nunavut Planning and Project Assessment Act</i> (NuPPAA) and the Nunavut Agreement.....	20
3.1.2	Scope of Plan Requirements	24
3.2	Clarifying Plan Requirements.....	25
3.2.1	Exceptions from Plan Requirements.....	25
3.2.2	Land Use Designation Summary Table.....	28
3.2.3	Formatting.....	28
3.2.4	Caribou Seasonal Restrictions.....	28

3.2.5	Polar Bear Denning Areas	29
3.3	Definitions.....	30
3.3.1	Definition of Icebreaking.....	31
3.3.2	Definition of Mineral Exploration and Production.....	32
3.4	Migratory Birds Classifications and Key Habitat Sites.....	32
3.5	Marine Shipping.....	33
3.6	Contaminated Sites.....	34
3.7	Minor Variance.....	34
3.8	Annual Reporting to Commission	35
4	Additional Errors, Omissions and Edits	36
Annex A – Migratory Bird Key Habitat Sites	58	
Table A1. Migratory Bird Key Habitat Sites Missing from the NLUP 2021 Draft.	58	
Table A2. List of Migratory Bird Key Habitat Sites (KHS) with their associated setbacks corrected	60	
Annex B – Projects with existing rights and interests omitted.....	64	

1 Introduction

The Government of Canada is providing information and guidance to the Nunavut Planning Commission (Commission) to assist in the development of the Nunavut Land Use Plan (NLUP). This document presents the Government of Canada's comments and recommendations on the 2021 Draft Nunavut Land Use Plan (draft Plan). The opinions and recommendations provided in this document are based on a review of the version of the Plan released on September 1, 2021 by the Commission.

The Government of Canada's review of the draft Plan is guided by the Priority Expectations for a First Generation Nunavut Land Use Plan as summarized in the table below:

Government of Canada Priority Expectations for a First Generation Nunavut Land Use Plan
Legal Compliance <ul style="list-style-type: none"><i>The planning process and resulting Nunavut Land Use Plan (Plan) shall be compliant with the Nunavut Agreement (NA) and the Nunavut Planning and Project Assessment Act (NuPPAA).</i>
Policy Consistency <ul style="list-style-type: none"><i>The Plan must be consistent with federal department and agency mandates, authorities, commitments and policies, including international conventions and agreements to which Canada is party to.</i>
Planning Process Credibility <ul style="list-style-type: none"><i>The development of the Plan must be supported by a meaningful, inclusive and transparent public and stakeholder consultation process.</i><i>A public registry that organizes and consolidates a complete record of evidence and public and stakeholder participation must be established and accessible throughout the planning process.</i><i>The Plan must be based on a transparent process for making decisions among competing land uses based on the consideration of both facts and values.</i>
Clarity and Certainty <ul style="list-style-type: none"><i>The Plan must be clear and understandable to users.</i><i>The Plan must provide improved certainty for users.</i>
Implementation <ul style="list-style-type: none"><i>The Plan must be practical and implementable.</i><i>Conformity requirements must be clear and objectively verifiable.</i>
Regulatory Efficiency <ul style="list-style-type: none"><i>The Plan should contribute positively to Nunavut's integrated regulatory system.</i>

The Government of Canada acknowledges the efforts and commitment of the Commission to develop a

“first generation” territory-wide land use plan, especially given the magnitude and complexity of such an undertaking, and encourages the Commission to continue its substantial and collaborative efforts to finalize the draft Plan. The Government of Canada also acknowledges the efforts and commitment of the Government of Nunavut, Nunavut Tunngavik Incorporated, and the many participants that have provided information, advice and recommendations for the consideration of the Commission in its development of this draft Plan.

The Government of Canada raises some substantive issues in this submission, but we are of the view that through collaboration with the Commission and other participants, these are issues that can be resolved in this draft of the Plan. We encourage the Commission to ensure there is space for this collaborative approach to take place following the public hearings, after all parties have had an opportunity to voice their views on the issues we have raised, so that the Commission can make final revisions that will have a greater chance of producing an approvable Plan.

Several federal officials have noted that modifications to the 2021 draft Plan are extensive and consider this to be a significantly different version of the Plan. Due to the number of changes to land use definitions, boundaries and associated plan requirements that have occurred since the 2016 draft NLUP, as well as the limited time allotted for parties to review the 2021 draft Plan, the Government of Canada will continue to conduct a full analysis of impacts to marine navigation for all proposed seasonal restrictions and setbacks, as well as perform the required spatial analyses on the impact of the draft Plan with respect to terrestrial mandates. If necessary, we will provide additional comments and recommendations at a later date, once this analysis has been completed and based on what we hear at the public hearings.

The Government of Canada, in its review of the 2021 draft Plan, has compared it to the submissions it provided on the 2016 draft NLUP. Significant improvements have been made to the draft Plan, addressing many of the concerns brought forward in the last iteration regarding scope, unintended consequences, and the use of planning tools. The Government of Canada appreciates that many of its perspectives have been acknowledged and were incorporated into the 2021 draft Plan, including:

- the change in terminology for land use designations;
- clearer description of community interests as they relate to zoning;
- removal of year-round restrictions on marine shipping and transport in Moffet Inlet and Foxe Basin;
- allowing linear infrastructure unless specifically prohibited; and
- new measures intended to allow existing mineral rights holders to continue with exploration and production of their properties.

The improvements to the Options and Recommendations report have significantly clarified the rationale behind the decisions the Commission has taken in revising the draft Plan. The Options and Recommendations report has been useful in the federal Government of Canada’s review of the 2021 draft Plan, as reviewers were able to cross-reference the evidence that the Commission considered for specific planning decisions. This includes newly proposed zoning that can support the protection of key species (like caribou) for Nunavummiut, which are intricately tied to food security, Inuit culture and traditions, balanced with zoning that supports economic growth in a sustainable manner.

Though the Commission has made strides to improve the draft Nunavut Land Use Plan, several substantive issues in the 2021 draft Plan should be addressed and resolved prior to being submitted for approval.

The Government of Canada supports the protection of caribou habitat. This aligns with federal and international targets for conservation and habitat protection as well as the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada. The Government of Canada also supports sustainable economic development, including mineral exploration and production. This aligns with critical minerals security, growing supply chains and technologies for the transition to net-zero emissions. The Government of Canada's view is that the NLUP needs to provide clear guidance on overlapping land use designations to avoid ambiguous interpretation and conflict especially with respect to caribou protection and mineral development. This may be achieved through case by case analysis of specific locations and rezoning existing mineral tenure to Mixed Use zones which would significantly improve the clarity of intended land use in Nunavut.

While some comments brought forward by the Government of Canada regarding marine transportation have been resolved, certain restrictions to marine navigation and icebreaking remain a concern, as Canada's domestic marine transportation regime supports free and open navigation within a highly regulated environment and respects Canada's international obligations.

Another issue that remains is overlapping land use zones (one area that is subject to two distinct zoning designations). The Government of Canada acknowledges that the Commission has made efforts to address this issue, and how these areas are represented in the land use designation maps, but there are still overlapping land use designations in the 2021 draft Plan and, in some instances, conflicting plan requirements. The Government of Canada notes that these should be rectified in the current draft.

This submission is organized as follows:

- Section 1: this introduction
- Section 2: while the Government of Canada is generally supportive of the revised zoning and rationale provided, the Government of Canada does have substantive issues to be resolved prior to the Plan being submitted for approval on:
 - mineral development, existing rights, and conservation;
 - caribou sea ice crossings;
 - North Water Polynya (Sarvarjuaq/Pikialaorsuaq);
 - National Marine Conservation Areas;
 - operations at Department of National Defence Sites;
 - overlapping land use designations;
 - linear infrastructure corridors; and
 - disposal at sea.
- Section 3: the Government of Canada has identified areas in the draft plan where changes are needed in order to provide clarity and accuracy.
- Section 4: outlines where minor edits are required.

Looking forward to the implementation of the NLUP, it will be important for the Commission to work in collaboration with the Government of Canada and all other parties that have a role for enforcement of the NLUP, in order to delineate each of their roles and responsibilities. Furthermore, the Government of Canada recognizes that the Nunavut Devolution transfer date is targeted for April 1, 2025 and the current review cycle set out in the 2021 draft Plan could potentially see a review of the Plan approximately 6 years after this date. Understanding that a review of the plan post-devolution may be necessary, the Government of Canada looks forward to working with the Commission and other signatories on this transfer, and to ensure that the Commission has information relating to Crown lands that remain federally administered.

Given the recommendations in this submission and those expected from other parties, the Government of Canada envisions that the Commission will revise the draft Plan following the public hearings. The Government of Canada requests that the Commission work collaboratively with the planning parties to develop a post-hearing process to refine the draft Plan to address concerns raised in this submission and at the public hearings. It is important that the post-hearing process include mechanisms for public participation and review.

2 Substantive Issues to be Resolved

2.1 Mineral Development, Existing Rights, and Conservation

Caribou are of critical importance to the well-being of Nunavummiut, and we recognize the importance of protecting caribou habitat. The companion Options and Recommendations report clearly documents the Inuit support for protecting caribou habitats. We also recognize the importance of mineral resource development to the economy of Nunavut, the well-being of Nunavummiut, and the interests of all Canadians.

Caribou calving areas, post-calving areas, freshwater crossings and key access corridors are zoned as Limited Use areas to prohibit activities such as mineral exploration and production, quarrying and linear infrastructure. Since the 2016 draft NLUP, the Government of Canada has strengthened its conservation commitments with the adoption of greater protection targets working to protect 25% of lands and inland waters, as well as 25% of marine habitat by 2025. Further, Canada is part of the high ambition international coalition to target 30% of terrestrial and marine areas conserved by 2030, which informs international negotiations on revised targets. In collaboration with the territories, barren-ground caribou is identified as a Priority Species in the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada. Priority Species (like barren ground caribou) were identified as having special meaning for Indigenous Peoples and Canadians. Delivering conservation outcomes for Priority Species like barren-ground caribou can have significant co-benefits for other species at risk, wildlife in general, and related biodiversity values.

Existing mineral rights and interests in Nunavut include activities related to exploration and production of minerals like copper and zinc that are important to key Government of Canada priorities, which include transitioning to clean energy technologies, reducing greenhouse gas emissions, shifting to the production of zero emissions vehicles, supporting critical mineral development, and reaching Government of Canada goals of net zero emissions by 2050. The contribution of these activities towards a cleaner economy provide strong rational and support for ensuring a balance between conservation and key activities that will supply critical minerals and those required for net-zero emissions.

Recognizing the overlap between key caribou habitat types and locations of current mineral exploration and production activity, the Nunavut Planning Commission has sought to balance these interests. In particular, section 6.1.8 of the 2021 draft Plan recognizes that mineral development occurs in stages that rely on the ability of a proponent to continue to proceed through these stages. Plan requirement 6.1.8-1, in particular, states that “a mineral exploration and production project previously approved under the *Nunavut Planning and Project Assessment Act* (NuPPAA) or the Agreement and identified in *Appendix A* is exempt from prohibitions on mineral exploration and production in Limited Use areas when the project undergoes a significant modification” subject to certain conditions.

The Government of Canada recognizes the efforts the Commission has made in the 2021 draft Plan to address the question of existing mineral rights and interests. As made clear in the Options and Recommendations document, section 6.2.8.4, the Commission tailored the Limited Use designation “to not prohibit existing rights”. However, as written in the current draft, there are a number of practical challenges in realizing the intent of these provisions. There are also a number of clarifications and corrections required in order to fully understand and properly implement the provisions proposed by the Commission.

2.1.1 Practical challenges

The Government of Canada maintains that any restrictions on land use in key caribou habitats should be designed to have the least possible impact on future economic opportunities for Nunavummiut, while still protecting caribou and conserving habitat. This aligns with *Goal 5 - Encouraging Sustainable Economic Development* of the Commission’s Broad Planning Policies, Objectives and Goals, which states that land use planning “ensures that the goals of any proposed restrictions on land use are achieved with the least possible impact on undiscovered mineral resources, while taking into account environmental and social objectives.” Mineral exploration, in particular, contributes to economic activity in the areas the 2021 draft Plan currently designates as Limited Use areas to protect caribou calving areas (most extensively), post-calving areas, and key access corridors. Active mineral tenure held in Nunavut covers approximately 2.5% of the territory, of which 36.3% intersects Limited Use areas in the 2021 draft Plan. Some of that tenure is for active mines and mineral projects that have taken decades to reach an advanced stage of technical and economic study and could contribute key supply for the Government’s plan to transition to net-zero.

As stated above, the Government of Canada understands the Commission’s intent is to ensure projects arising from existing mineral rights and interests in Limited Use areas can proceed through the various stages of development. However, the Commission has not adopted the Government of Canada’s recommendation to protect all existing mineral rights and interests recognized under the *Nunavut Mining Regulations* from prohibitions in Limited Use areas. Rather, the 2021 draft Plan only protects those existing mineral rights and interests stemming from projects that have been previously approved under NuPPAA, per 6.1.8-1 of the draft Plan. The Options and Recommendations document provides the following reasoning for this decision:

“Although this option (of grandfathering all existing rights) would not exempt a project from the NLUP where a conformity determination is required by the NuPPAA, it would mean that a proponent’s acquisition of rights and interests from third parties could lead to development despite the NPC having information about VCs that would be adversely impacted by development, incompatible Inuit rights of access or outpost camps, other priorities such as conflicting types of development, or other rights and interests that the NLUP would otherwise protect through applicable prohibitions.”

Though the draft Plan has identified a set of criteria in 6.1.8-1 to determine whether a project qualifies for an exception to prohibitions on mineral exploration and production, as it now stands, the draft Plan does not appear to provide for the advancement of projects linked to existing mineral rights and interests that do not meet those criteria and were not previously approved under NuPPAA. This could prevent certain mineral rights holders from undertaking projects, particularly those that are currently at the exploration stage and have yet to advance to the next stage of development, or from executing changes at active mine sites such as new or expanded tailings ponds, a new open pit, or sinking a new shaft.

In addition, even for those projects that do meet the criteria in 6.1.8-1, without any other exceptions to the draft Plan's prohibitions, exploration or production projects that find themselves in an area which prohibits land use activities necessary for proceeding to the next phase of their development (e.g., quarrying or linear infrastructure) may not be able to move forward. Through prohibitions on land uses related to building key infrastructure to support mining, projects may find themselves isolated, which may make it uneconomic to continue operations. For example, a Limited Use area outside of a project's footprint could constrain a proponent from accessing or building necessary linear infrastructure for economic operation, resulting in the project being abandoned, counter to Goal 5. It appears the Commission intends that prohibitions on linear infrastructure in Limited Use areas surrounding these projects are to remain in place, as per 6.1.8-6, which is likely to prevent a proponent's ability to move materials between the site and a port or community.

2.1.2 Requirements for clear guidance regarding existing rights

As previously mentioned, the Government of Canada's view is that the NLUP needs to provide clearer guidance on overlapping land use designations to avoid ambiguous interpretation especially with respect to caribou protection and mineral development. This may be achieved through case by case analysis of specific locations and rezoning existing mineral tenure to Mixed Use zones which would significantly improve the clarity of intended land use in Nunavut. As such, rezoning existing mineral tenure to Mixed Use zones would avoid confusion regarding which lands are designated for mineral exploration and production activities and which are designated for the protection of caribou habitat.

Recommendation: The Government of Canada recommends that the Commission rezone areas with existing mineral tenure currently overlapping with the Limited Use designation, to Mixed Use areas in order to improve the clarity of intended land use in Nunavut.

If the Commission does not accept the above recommendation and wishes to move forward with maintaining exceptions to the prohibitions that apply to projects with existing rights and interests in Limited Use areas, the Government of Canada requests the following clarifications and changes be made to section 6.1.8 and *Appendix A* of the 2021 draft Plan, as outlined below.

Definition of Existing Rights

Though the Commission has made changes to its approach on existing rights since 2016, the current definition of existing rights in the 2021 draft Plan remains unchanged:

“existing rights means a use of land that does not conform to the Plan but that lawfully existed prior to the approval of the Plan, provided that there have not been any significant modifications to the use, as described in Chapter 6.5 of the Plan.”

In addition to citing the wrong section of the 2021 draft Plan, the underlined portion of the definition appears inconsistent with the new approach adopted by the Commission as it excludes projects that underwent a signification modification. The definition should reflect the Commission's new approach to protect certain projects with existing rights and interests even if they are subject to a significant modification.

Recommendation: The Government of Canada recommends the Commission amend the definition of existing rights in the draft Plan to the following, adapted from our previous recommendation in 2017 with the addition of the underlined wording:

“Existing Rights means, with respect to projects identified in Appendix A, the right to a use of land or a future use of land which does not conform to the Plan but which lawfully existed prior to the approval of the Plan, irrespective of whether the work or activity resulting from that use would constitute a new project or a significant modification to an existing project within the meaning of NuPPAA, as described in section 6.1.8 of the Plan.”

Conformity Determinations

The draft Plan states in section 6.1.8, page 48, that "In order to support economic development in Nunavut, the Commission has identified projects with existing mineral rights in Limited Use areas in *Appendix A* that will not be subject to prohibitions on that type of activity at the time they undergo significant modifications, **but will require a further conformity determination under the Act.**" When read alongside the Plan Requirements on the same page, this statement has the potential to be interpreted to mean that a mining project with existing rights and interests within a Limited Use area will not necessarily conform to the plan.

Recommendation: The Government of Canada requests the Commission clarify whether projects that stem from existing mineral rights and interests will be subject to conformity determinations, and if so, how non-conforming land uses will be handled.

Exemptions

Plan Requirement 6.1.8-1 states: "A mineral exploration and production project previously approved under the *Nunavut Planning and Project Assessment Act* or the Nunavut Agreement and identified in *Appendix A* is **exempt from prohibitions on mineral exploration and production** in Limited Use areas **when the project undergoes a significant modification if:(...)**". It is unclear whether projects with existing rights and interests will be exempt from **all** prohibitions within their footprint (i.e. quarries, linear infrastructure, etc.) or whether they will only be exempt from prohibitions on mineral exploration and production. As mentioned under section 2.1.1 of this submission, only exempting projects with existing rights and interests under *Appendix A* from 'mineral exploration and production' prohibitions may prevent proponents from building the key infrastructure necessary to move forward with operations or development. Further, under Plan Requirement 6.1.8-1(a), it is unclear what evidence will be required for a proponent of a project to demonstrate that "it is arising from and related to existing rights and interests identified as projects in *Appendix A*".

Recommendation: The Government of Canada recommends the Commission:

- Clarify whether projects with existing rights and interests identified under *Appendix A* of the Plan will be exempt from:
 - all prohibitions on activities within the project’s footprint, or,
 - only activities defined under *Appendix B*’s definition of “mineral exploration and production”.
 - For example, if a project with existing rights and interests needs to build linear infrastructure or a quarry associated with mineral exploration or development *within the project’s footprint*, and that use is in turn prohibited under the plan requirements, will that prohibition apply?
- Clarify what evidence will be required of proponents to demonstrate that a project listed under *Appendix A* is “arising from and related to existing rights and interests”.
- Change the phrase “exempt from” to “excepted from” for consistency with other Plan Requirements that provide “exceptions” to the plan rules and to avoid confusion with how the word “exempt” is used under NuPPAA.

Appendix A

It will be important to know when in the Plan’s implementation process the list of projects with existing rights and interests under *Appendix A* will be finalized, and how the information will be verified for accuracy. As it stands, the list of projects with existing rights and interests under *Appendix A* of the draft Plan omits several sites with mineral tenure in Limited Use areas (see Annex B). It is unclear whether these projects with existing mineral rights and interests were intentionally omitted from *Appendix A*, and if so, the Commission’s reasoning for doing so. The Appendix also lists other projects under different ownerships and refers to projects by incorrect names. For example, “Hackett River” appears three times (lines 17, 43, 52) under different names or ownership, though they are the same project.

Recommendation: The Government of Canada requests the Commission:

- Clarify what information was used in compiling the list of projects with existing rights and interests under *Appendix A*, and what criteria were used in determining which projects were listed.
- Clarify when in the Plan’s implementation process the list of projects with existing rights and interests under *Appendix A* will be finalized, and how the information will be verified for accuracy.
- Consult with Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and holders of existing mineral rights and interests to ensure all mineral tenure that would be impacted by proposed limited use areas is accurately tabulated and identified under *Appendix A* of the Plan.

2.2 Caribou Sea Ice Crossings

The Government of Canada acknowledges the Commission’s efforts to develop a Plan that reflects Inuit interests and cultural traditions in which caribou are recognized as a “keystone species” for the northern ecosystem and Inuit way of life. The Government of Canada supports the need for protections of critical sea ice habitat for specific caribou herds, some of which are listed under the *Species at Risk Act (SARA)*.

In fact, the Government of Canada is actively working to finalize the Recovery Strategy for Peary Caribou, as required under SARA.

Like the Plan, a Recovery Strategy must consider many perspectives when being developed. Public consultations on the proposed Recovery Strategy with Critical Habitat are currently underway and input received will be considered in finalizing the Recovery Strategy. Sea ice crossings identified as Critical Habitat not protected through the Plan will be protected via tools under SARA.

The Government of Canada recognizes that the Plan can provide necessary protection for the health and growth of Nunavut's significant caribou populations, however, the Plan must achieve an appropriate and flexible balance between broad social, cultural, environmental, and economic goals. Recognizing the interdependence of these goals, it can be difficult to objectively determine the best balance among competing goals. The Government of Canada has concerns that the proposed Plan Requirement 2.2.5-1, which restricts icebreaking activities, may not provide the necessary flexibility to achieve this balance.

2.2.1 Map A3 – Site 103

Plan Requirement 2.2.5-1 describes specific areas of the Nunavut Settlement Area noted on Map A3 as Site 103 and outlines Plan Requirements for each described area. However, Map A3 identifies additional areas as Site 103 that do not fall within the described areas in section 2.2.5 of the draft Plan, such as near Committee Bay and Repulse Bay. It is not clear in the Plan which part, if any, of the Plan Requirements would apply to these areas. We ask the Commission to clarify what appears to be a discrepancy between the draft Plan and Map A3. We also wish to clarify that our comments in section 2.2 (above) only reflect the sea ice crossings described in the draft Plan under section 2.2.5, and not all those that appear on Map A3. Should the Plan be updated to provide protections in the crossings not identified in the draft Plan, then the Government of Canada's concerns and considerations regarding Plan Requirement 2.2.5-1, and in particular international implications (see 2.2.2 below), apply to these crossings as well.

Recommendation: The Plan or Map A3 should be updated to accurately reflect which areas are included as Site 103, caribou sea ice crossings, and clearly indicate the corresponding Plan Requirements for all areas.

2.2.2 International Implications

The Government of Canada's domestic legal regime reflects the international legal framework, including as set out in the United Nations Convention on the Law of the Sea (UNCLOS) and conventions negotiated by specialized bodies of the United Nations such as the International Maritime Organization (IMO). A blanket prohibition on icebreaking and consequently vessel traffic for many months of the year, through any part of the various waterways commonly referred to as the "Northwest Passage" could be challenged by the United States, as the Government of Canada and the United States concluded a legally binding treaty in 1988, the Arctic Cooperation Agreement, in which Canada and the United States agreed to facilitate navigation by their icebreakers in their respective Arctic waters. Seasonal restrictions for supporting ice protection measures in the Northwest Passage must not prevent Canada from meeting its international obligations. In implementing these international obligations, the Government of Canada would uphold the spirit of land claim agreements and respect its obligations under them.

The Government of Canada also wishes to retain the capacity to consent to navigation through the Northwest Passage for foreign policy and domestic reasons. Studies show that climate change brings with it increased possibilities for navigation in the Arctic. At the same time, the Government of Canada recognizes that science and Inuit Qaujimajatuqangit have shown how important ice crossings are for caribou survival or recovery, thus the importance of trying to not exacerbate the impacts to these sensitive and at-risk species during these climate variable times. It is difficult to assess how other countries will respond to climate changes but given the complexities of foreign relations in the Arctic, it is imperative that Canada retain as much flexibility as possible in our relations with other countries in an area which is of vital importance to our national interest and our sovereignty.

As noted in the 2017 Government of Canada comments, the firm Canadian position on the waters of the Northwest Passage is that they are the internal waters of Canada. We need the tools to ensure proper control of foreign navigation in the areas where icebreaking restrictions will be put in place, in part to ensure the protection of Inuit interests as outlined in the NLUP. Without these tools, there is a greater likelihood that the complex status of waters issue in the Arctic will be used by other countries as a justification for navigation in areas where prohibitions on icebreaking are in place, with resulting negative implications on caribou survival. To ensure that we have the required flexibility to protect our interests, we must ensure the Government of Canada is in a position to consent to navigation through the Northwest Passage – while taking into account the appropriate regulatory and other necessary protections of the environment, including for caribou.

Section 1.4.2 Application of the draft Plan states, “the plan should be interpreted and applied in a way that respects Canada’s international rights and obligations....” As noted above, the Government of Canada fully agrees with this statement. It is not clear how the plan requirements related to caribou sea ice crossings, which may restrict icebreaking activities allowed under the Arctic Cooperation Agreement, can be interpreted in a way that respects Canada’s international rights and obligations. Furthermore, it may make sense to add language to Section 1.4.2 noting that due consideration should also be given to the exercise of Canada’s sovereignty including its capacity to consent to foreign navigation.

Recommendation: In order for the Government of Canada to determine whether additional recommendations are necessary to support Canada’s International obligations, it is necessary to understand how the Commission intends to interpret and apply Plan Requirement 2.2.5-1 and new or updated Plan Requirements in a way that respects Canada’s international rights and obligations, as well as due consideration to foreign policy considerations, when undertaking conformity determinations, as outlined in section 1.4.2. The Government of Canada recommends the Commission provide clarity on how Plan Requirement 2.2.5-1 will be interpreted and applied.

Recommendation: To provide greater certainty that Canada’s international rights and obligations will be considered in applying all Plan Requirements, the Commission should consider developing an exception to be included in Plan Requirement 2.2.5-1 and new or updated Plan Requirements whereby navigation that is required for Canada to meet its international obligations or foreign policy imperatives, including navigation through ice, is allowed. It is further recommended that the language of the exception should be clear that it is to be used in limited circumstances, and in consideration of the objective to protect these important sea ice crossings.

2.2.3 Collaborative Process for Caribou Sea Ice Crossings

It is important for the Government of Canada to better understand how Plan Requirement 2.2.5-1 will be implemented to support its further analysis of potential unintended consequences. Although one possible opportunity to reduce unintended consequences may be achieved through exceptions, the Government of Canada has noted and appreciates the Commission's use of a collaborative process to protect on-ice travel routes as detailed in Plan Requirements 4.1.1-1. This approach presents a management strategy to reduce impacts to on-ice travel routes that is flexible and can be adjusted based on existing ice conditions and the presence of hunters and trappers, without the requirement for a Plan amendment or minor variance. Although an ice bridging plan is not a suitable mechanism for the protection of caribou, consideration could be given to whether another mechanism, such as a caribou sea ice crossing protection plan, which takes into consideration the presence, or likely presence of caribou, ice conditions and works to mitigate negative impact to caribou, could be a suitable mechanism to maintain the intent of seasonal restrictions of icebreaking activities.

As part of the Proactive Vessel Management Initiative, the Victoria Island Waterway Safety Committee has identified three priorities:

- Increasing communication with the Canadian Coast Guard regarding icebreaking activities;
- Mitigating the potential negative impacts of icebreaking on the migration of the caribou, hunters and community members travelling across the sea ice and local food security; and
- Identifying safe harbours (via mapping) for hunters and community members to access along the waterway.

A collaborative Plan Requirement for caribou sea ice crossings, particularly in the Northwest Passage/Coronation Gulf between Victoria Island and the Mainland, could support these priorities.

Recommendation: Consideration should be given to whether a collaborative Plan Requirement could be developed that addresses the need for protection of caribou sea ice crossings, while offering the flexibility to respect Canada's international rights and obligations.

2.3 North Water Polynya (Sarvarjuaq/Pikialaorsuaq)

The restrictions in the North Water Polynya appear to include parts of Canada's territorial sea and exclusive economic zone (EEZ). The NLUP must not impede Canada's ability to meet its international obligations in these areas, such as respecting the right of foreign vessels to exercise the right of innocent passage in the territorial sea and the freedom of navigation in the EEZ, and the right of foreign states to lay submarine cables in the EEZ, among others. Although vessel traffic analysis suggests that currently there is little or no foreign vessel traffic during the proposed restriction periods, it is important that Canada be in a position to meet its international obligations throughout the year.

Recommendation: To allow Canada to meet its international obligations in the territorial sea and EEZ, Plan Requirements 2.8.2-1 and 2.8.2-2 should be reworded as follows:

- 2.8.2-2 Section 2.8.2-1 does not apply to vessels engaged in community resupply or emergency response, or to foreign vessels exercising their rights in a manner consistent with international law.
- Similar language should be considered where other proposed restrictions cover parts of Canada's territorial sea or EEZ.

2.4 National Marine Conservation Areas/Tallurutiup Imanga

Section 3.1.2 of the 2021 Plan addresses proposed national marine conservation areas (NMCA) and recognizes Tallurutiup Imanga as an NMCA awaiting full establishment. Plan Requirement 3.1.2-1 identifies Tallurutiup Imanga as a limited use area and identifies prohibited uses that are deemed incompatible.

The Inuit Impact and Benefit Agreement for Tallurutiup Imanga came into force August 1, 2019, and a joint Inuit and Canada management board has been established to examine all steps, decisions, initiatives and undertakings relating to the planning, operation and management of the NMCA. The development of an interim management plan is underway to provide guidance in managing Tallurutiup Imanga until a management plan is prepared.

2.4.1 Interim prohibitions for Tallurutiup Imanga

Identifying interim prohibitions for Tallurutiup Imanga is welcomed to prevent setting up infrastructure or permitting activities that may subsequently be incompatible with NMCA legal requirements or future management direction. Some of the prohibited activities listed in Plan Requirement 3.1.2-1 may not remain prohibited or may only be prohibited in certain areas once the NMCA is established. The Government of Canada has concerns that the Plan Requirement may create an expectation that these activities will remain prohibited after the NMCA is added to Schedule 1 of the *Canada National Marine Conservation Areas Act* (CNMCAA). This could negatively affect the interim management planning process, causing confusion between the Plan Requirements, which are temporary. It may also prevent activities from being initiated that may be identified in the future as appropriate for the purpose, management and use of the NMCA.

As discussed in section 2.8 of this document, there is a stringent permitting process in place for disposal of a substance at sea. Permitting will continue after the establishment of the NMCA as the CNMCAA prohibits the disposal of any substance in waters within a marine conservation area except as authorized by a permit either pursuant to the CNMCAA or the *Canadian Environmental Protection Act, 1999* (CEPA). The removal of disposal of sea as a prohibition as recommended in section 2.8 is supported for the NMCA requirements.

2.4.2 Key Migratory Bird Habitat Areas in Tallurutiup Imanga

Section 2.1 identifies three classes of key habitat areas for migratory birds. Section 2.1-3 categorizes Class 2 sites as Conditional Use areas subject to the seasonal setbacks identified in Table 1: Migratory Bird Setbacks. With the exception of the site associated with migratory bird sanctuaries, Map A does not identify the Class 1 and 2 key habitat areas located in the limited use area that encompasses

Tallurutiup Imanga; nor are they referenced in Table 1. Legislation and regulations associated with migratory birds will apply in the NMCA and the setbacks for Class 2 sites and assumed activity prohibitions for Class 1 sites would be relevant to the NMCA.

Recommendations:

1. Plan Requirement 3.1.2-1 for the Tallurutiup Imanga NMCA should clearly identify incompatible uses that are interim and may be subject to change after full establishment (i.e., added to Schedule 1 of the *Canada National Marine Conservation Areas Act*) of Tallurutiup Imanga NMCA. The prohibition for disposal at sea should be removed.
2. The Class 1 (Baillarge Bay, Hobhouse Inlet, Eastern Lancaster Sound and Eastern Jones Sound) and Class 2 (Cape Liddon, Cape Hay and Cape Graham Moore) Key Migratory Bird Habitat Areas that are located within Tallurutiup Imanga or located outside the Limited Use area, but where marine setbacks would apply, should be identified in Map A and in Table 1. Plan Requirement 3.1.2-1 should identify Table 1 setbacks as conformity requirements. For further information regarding Government of Canada recommendations on Table 1 please see Annex A.
3. Section 3.1.2 should be adjusted to clearly reflect the difference between Tallurutiup Imanga and the support for future NMCA proposals. The following language is provided to the Commission for consideration, which could address the recommendations.

Suggested wording for section 3.1.2 is provided below for consideration.

3.1.2 Future National Marine Conservation Areas

National marine conservation areas provide a network of representative protected areas, and the Commission recognizes the desirability of establishing national marine conservation areas in the Nunavut Settlement Area.

National Marine Conservation Areas Awaiting Full Establishment

Tallurutiup Imanga (Lancaster Sound) is acknowledged as being significant for its marine biodiversity and importance to Inuit. An Inuit Impact and Benefit Agreement to establish Tallurutiup Imanga as a national marine conservation area was signed in 2019. A joint Inuit-Canada management board, the Aulattiqatigiit Board, has been established to guide management of the area.

Until Tallurutiup Imanga is established under the *Canada National Marine Conservation Areas Act*, the area requires interim management.

Plan Requirements

3.1.2-1 Tallurutiup Imanga, shown on Map A, is a Limited Use area within which the following incompatible uses are prohibited and will remain prohibited upon establishment:

- (a) oil and gas exploration and production;
- (b) mineral exploration and production; and
- (c) quarries.

The following uses are prohibited based on the precautionary principle and will be re-evaluated upon the establishment of the National Marine Conservation Area and development of management direction:

- (d) hydro-electrical and related infrastructure;
- (e) wind turbines for electrical generation that are over 15 m in height and related infrastructure; and
- (f) all-weather roads. [See Map A2 – Site # 50]

3.1.2-2 The Class 1 and 2 migratory bird habitat sites shown on Map A are subject to conformity requirements. Proponents must adhere to seasonal set-backs listed in Table 1: Migratory Bird Setbacks. [See Map A – Class 1 sites #s X and Class 2 sites #s X]

Proposed National Marine Conservation Areas

While land use plans developed by the Commission do not apply within established national marine conservation areas under the *Canada National Marine Conservation Areas Act* Schedule 1, the Commission has a role in supporting their identification and formation.

Canada's National Marine Conservation Areas System Plan identifies nine marine regions within the Nunavut Settlement Area:

- a) Tallurutiup Imanga (awaiting establishment);
- b) Arctic Basin;
- c) Foxe Basin;
- d) Hudson Strait;
- e) Hudson Bay;
- f) Baffin Island Shelf;
- g) Queen Maud Gulf;
- h) James Bay; and
- i) Arctic Archipelago

2.5 Operations at Department of National Defence Sites

The draft Plan has implemented a number of Government of Canada recommendations made in 2017 regarding lands used by the Department of National Defence (DND). Section 4.7 describes the military facilities in the Nunavut Settlement Area used by DND for the purposes of national defence and security, and other operations. Under Plan Requirement 4.7-1, the Plan designates military facilities as Limited

Use areas where “all uses are prohibited, except uses by Canada, the Government of Nunavut and municipal governments.”

The Government of Canada notes the progress made with the 2021 draft Plan, however there remain some challenges in implementing these requirements which will require that DND work with the Commission to determine those permitted works and activities that allow it to operate. Restrictions upon quarry activities, especially those assigned to many Limited Use Areas in the Plan, are of particular concern to DND, since there are ongoing operational requirements that depend upon these materials in order to operate and maintain infrastructure, conduct remedial activities, employ health and safety programs, and in the overall stabilization of its real property assets, to name a few.

Some considerations are also missing in regards to prohibited uses that occur adjacent to or near DND Limited Use areas within municipal boundaries. In this case an overlap issue presents itself because the lands now occupy the same spatial extents. The current definition in the draft Plan sees those municipal boundaries covering National Defence’s Limited Use Area lands even though prohibited uses remain.

The Plan also establishes that the military facilities within municipal boundaries are identified as known Valued Socio-Economic Components. However, it is unclear as to what this classification entails and what expectations are placed upon those administering and controlling these sites.

Recommendation:

- The Government of Canada recommends that the Commission open a dialogue with the Department of National Defence to determine those permitted and prohibited uses assigned to DND Limited Use areas. Once these are determined, revise the draft Plan to reflect the agreed upon land use definition.
- The Government of Canada is seeking clarity in regards to the Limited Use Area designation, prohibited uses, and exceptions. DND will continue administering and controlling these federal lands moving forward but the text assigned to this area definition suggests that activities undertaken by other levels of government are permitted. Expectations remain that permissions will still need to be granted by DND to those wishing to be on its lands as well as DND being involved in the assessment of projects occurring on adjacent lands to minimize and/or eliminate risks to department operations.
- The phrase “all uses are prohibited” needs to be clearly understood and defined to ensure that the department can continue to operate. Within DND Limited Use Areas military activities should be permitted, having met the necessary regulatory measures.
- Clarify how overlapping land designations, especially those within Municipal Boundaries, will be captured in the Plan and its definition to allow DND to continue to operate.
- DND will make itself available to the Commission in making the above determinations through direct consultations or other preferred means.

2.5.1 Conflicting Land Use Designations

There are situations in the draft Plan in which overlapping cadastral land definitions occur. For example, DND operates and maintains North Warning System radar installations, which are on lands shared with CIRNAC held Environmental Remediation sites. The draft Plan also includes many other examples with

overlapping interests, including: i) Key Bird Habitat Site - Lambert Channel which abuts DND Site PIN-3 Lady Franklin Point North Warning System Site ; and, ii) Key Bird Habitat Site - Nordenskiöld Islands encompasses CAM-B Hat Island North Warning System Site [Note: not all overlapping areas are listed]. In these examples, there are two or more different uses that need to be captured properly because the land uses do not necessarily end at the point of intersection.

Another example exists in Cambridge Bay where there are a minimum of six (6) overlapping land parcel definitions: i) Municipal Boundary/Hamlet of Cambridge Bay (P.C. O.I.C. 1993-1126); ii) DND (for NRCAN) Reserve 1853 (P.C. O.I.C. 1993-1126); iii) DND Land Parcels (Lots 1005, 1006, 1007, Quad 77D/2, CLSR 81022, LTO 3120); iv) Inuit Owned Lands (NLCA, Block Land Transfer); v) Owayok Territorial Park (Government of Nunavut); and, vi) Cambridge Bay Airport – YCB (Government of Nunavut), all of which overlap Reserve 1853. Within the Hamlet of Cambridge Bay are found DND Lands, Inuit Owned Lands, Cambridge Bay Airport, Owayok Territorial Park, and portions of Reserve 1853. The lands in this example are captured in various claim agreements, council orders, and registered legal surveys. As a result of the complexities surrounding each overlapping land parcel definition, the Plan will need to have in place a mechanism to handle the various requirements stemming from each to ensure the intended land uses remain protected and those administering and controlling those lands are able to uphold their respective mandates and tenure.

Map A2 shows that sometimes zones 91 Priority Contaminated Sites and 92 Military Facilities and Infrastructure overlap. The impact of this overlapping zoning creates uncertainty as to which of the Plan Requirements would be given priority and the governing mechanism on which this determination is made (see section 3.3, below, for a more general discussion of this issue). Plan Requirement 4.6-1 prohibits using sites other than for remediation or monitoring until clean-up is completed and has been reported to the Commission, whereas number 4.7-1 prohibits all uses, except uses by Canada, the Government of Nunavut or municipal governments. Operation of these military facilities would be prohibited where the zoning shows they overlap with contaminated sites.

Recommendation:

- The Government of Canada recommends that the draft Plan be revised to acknowledge that contaminated sites and military facilities and infrastructure are two separate land uses, which can occupy the same land area. This situation can be extended to all land use areas within the Plan and is not restricted to military or contaminated site land use definitions.
- The Government of Canada recommends that the Commission address overlap between Key Bird Habitat Sites and DND sites listed above. Both DND and ECCC are willing to provide insight/expertise if needed.

2.6 Overlapping Land Use Designations

The Government of Canada previously raised the issue of overlapping land use designation in its 2017 submission, recommending that the Commission review the 2016 draft NLUP with a view to limit overlapping designations. The 2021 draft Plan has addressed the issue of overlap by including a series of three land use designation maps – A1 (Limited Use and Conditional Use), A2 (Limited Use), and A3 (Conditional Use) – to help illustrate the land use designations while conserving Plan Requirements. The 2021 draft Plan also removed guidance on overlapping designations (previously found under section 1.7.5.4 of the 2016 draft NLUP).

Overlapping land use designations continue to exist in the 2021 draft Plan, without guidance on how to interpret the application of Plan Requirements. The Government of Canada continues to be concerned with the extent of overlap between land use designations in the draft Plan, as this makes it difficult to interpret which requirements apply in the event of overlap and how to address conflicting requirements. In some instances, overlapping land use designations have conflicting plan requirements, as mentioned above in the case of military facilities and contaminated sites or for caribou habitats and projects with existing rights.

The Options and Recommendations document makes it clear that the Commission separated the land use designation map into a series for ease of use of Plan readers. However, the Government of Canada notes that separating the land use designation maps into a series may present a challenge to users of the Plan that do not have ready access to spatial analysis capabilities or software to accurately and precisely interpret the degree of overlap and applicable requirements.

Recommendation: The Government of Canada recommends the Commission:

- Provide guidance on how to interpret overlapping land use designations in the Plan document and explicitly state which plan requirements apply in the event of overlap.
- Review the 2021 draft Plan to address overlapping land use designations with conflicting plan requirements and ensure they are resolved.

2.7 Linear Infrastructure Corridors

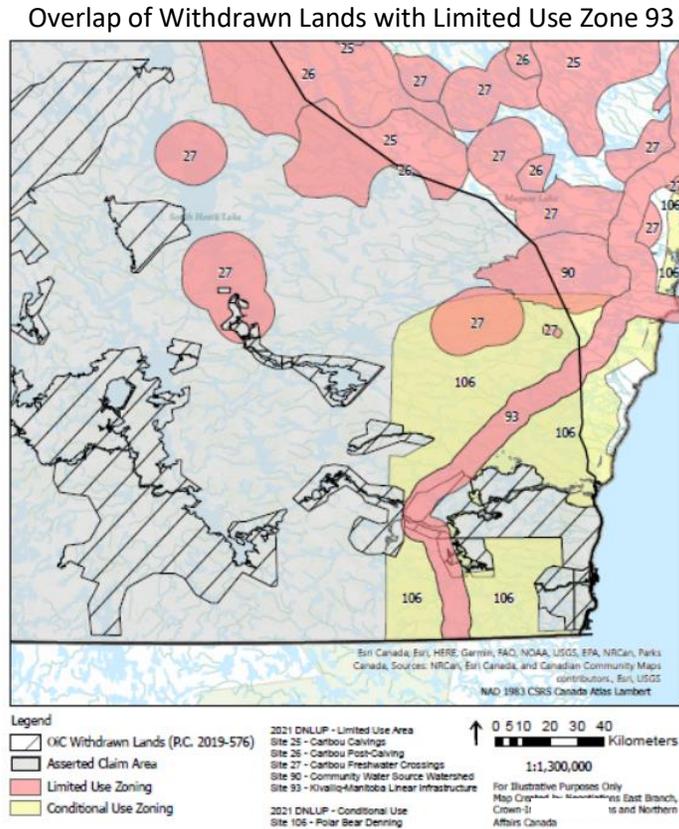
The Government of Canada recognizes that the 2021 draft Plan has addressed many of its comments on the previous draft of the plan with respect to linear infrastructure, particularly in mixed use zones. The 2021 draft Plan acknowledges that "several terrestrial transportation and communication corridors are envisioned or planned, but few are in the regulatory stage." It requires a plan amendment for other proposed terrestrial infrastructure when going through zones where linear infrastructure is otherwise prohibited.

The draft Plan includes zones for the Kivalliq-Manitoba and the Mary River-Milne Inlet linear infrastructure corridors. However, the Grays Bay and Bathurst Inlet Port and Road projects, both important economic development projects in the Kitikmeot, are categorized as a Valued Socio-Economic Component. It is unclear why these two infrastructure projects have been given this designation whereas a Limited Use designation has been assigned to the Kivalliq-Manitoba infrastructure corridor. The Grays Bay and Bathurst Inlet road projects have proposed routes that would cross areas that are currently designated in the draft Plan as Limited Use, with prohibitions on linear infrastructure that would prevent those projects from conforming with the Plan and providing important access to future mineral development projects.

Recommendation: The Government of Canada suggests that, given their potential economic importance, the Grays Bay and the Bathurst Port and Road projects, which would support a number of mineral projects in the Kitikmeot region, be zoned as an infrastructure corridor under the Limited Use designation.

With respect to the Kivalliq-Manitoba linear infrastructure corridor, the Government of Canada has noted the corridor intersects with land parcels subject to interim land withdrawals under Order in

Council P.C. 2019-576 (see figure below). The purpose of the interim land withdrawals under this Order is to facilitate the conclusion of Aboriginal land agreements. The Limited Use zoning prohibits a number of land uses. As a result, there is the potential that applying a Limited Use zone designation to the overlap with the land withdrawals in the Order would not facilitate the conclusion of those agreements. Therefore, we suggest the Kivalliq-Manitoba linear infrastructure Limited Use zone be amended to rezone the areas of overlap with the land withdrawals as Mixed Use. Since, as indicated in section 5.3.1 of the draft Plan, linear infrastructure is permitted within all Mixed Use areas, this would still permit the future development of the linear infrastructure between Manitoba and the Kivalliq, but would not interfere with concluding negotiations of agreements in this region.



Recommendation: The Government of Canada requests that the Commission change the portions of the Manitoba-Kivalliq linear infrastructure corridor that overlap with interim land withdrawals under Order in Council P.C. 2019-576 from a Limited Use designation to a Mixed Use designation.

2.8 Disposal at Sea

Plan Requirements 2.5.1-4, 3.1.2-1, 4.11-4, and 5.4-1 in the 2021 draft Plan prohibit “disposal at sea”, and Plan Requirement 4.1.1-8 prohibits the disposal of “anything at sea” in the waters around Walrus Island, whereas “disposal at sea” is defined in Appendix B to have the same meaning as “disposal” in

section 122 of the *Canadian Environmental Protection Act, 1999*. As written, the goal of these prohibitions is unclear.

Disposal at sea is defined under the CEPA as the disposal of a substance from a ship, aircraft, platform or another structure. The definition of disposal also includes storage on or in the seabed, disposal of substances on the ice at sea, the disposal of ships or aircraft, and the abandonment of platforms or other structures. Note that CEPA does not control discharges that are part of the normal operations of a vessel as these are regulated under the *Canada Shipping Act, 2001* (CSA 2001).

CEPA creates a general prohibition on disposal at sea in Canada. A permit system is available for a small list of low-risk substances including dredged material, fish processing waste, inert inorganic geological matter, and uncontaminated organic matter. Ships, aircraft, and other structures can be disposed of if cleaned to a very high standard, but the cost of doing so is becoming prohibitive. The list also includes bulky substances composed of iron, steel, concrete or similar substances, but Environment and Climate Change Canada (ECCC) generally does not issue permits for this class of substances, as alternatives are usually available. Most of the material disposed under permits in Canada is dredged material removed from ports and harbours to maintain safe conditions and access.

Schedule 6 of CEPA outlines a rigorous process that ECCC follows in assessing applications for disposal at sea permits. This includes an evaluation of alternatives to disposal at sea, a waste reduction audit to minimize the requirement for disposal, a full characterization of the material to be disposed, an assessment of the potential effects, and a characterization of a suitable disposal site. A permit will only be issued if disposal at sea is found to be the environmentally preferable option for the material. Often, particularly for dredged material, it is preferable to keep dredged sediment in the marine environment, as land-based disposal can cause effects related to salinity.

Part of the process for issuing a disposal at sea permit is consultation with others that may be affected by the disposal, or who have expert information on the potential effects of a disposal activity. This often includes other federal departments and agencies, provincial, territorial, and municipal governments, First Nations, and interest groups. In the case of sensitive marine areas, consultation would be undertaken with the entity responsible for the management of the area. Any decision on a permit application would take their advice into account and could result in conditions being placed in the permit to mitigate negative effects, or refusal to issue a permit.

Recently there have been several suggestions to ban disposal at sea completely for additional protection of marine areas, but an outright prohibition could have unintended consequences. Fish plant processing waste can be disposed of at sea in remote communities that do not have alternative disposal methods. In these remote communities, an inability to dispose of the material at sea could lead to disposal in unsuitable landfills and cause nuisance problems for the local community. Proper disposal of dredged material can lead to maintenance of the “sediment balance” in the marine environment and prevent unintended coastal erosion. As well, dredged sediment can be used for capping of contaminated sediments, beach nourishment, habitat restoration, and other beneficial uses. Some of these activities could require a disposal at sea permit while other may fall under the “placement for a purpose other than disposal” exemption under CEPA. Depending upon how prohibitions are designed, some or all of these beneficial uses could be prohibited. Maintaining the existing general prohibition under CEPA, and relying on the stringent disposal at sea permitting process, will provide the desired level of protection for sensitive marine areas without eliminating management options that could assist with conservation objectives.

Recommendation: As there is a stringent disposal at sea permitting process under CEPA that will provide the desired level of protection for sensitive marine areas without eliminating management options that could assist with conservation objectives, the prohibitions on disposal at sea within the 2021 NLUP for certain sites are not needed and may introduce confusion to plan readers about the applicability of CEPA at these sites or other sites. As such, it is recommended that the prohibitions on disposal at sea set out in Plan Requirements 2.5.1-4, 3.1.2-1, 4.11-4, 5.4-1, and 4.1.1-8 be removed from the NLUP.

3 Recommendations for Clarity and Accuracy

3.1 Legal Consistency and Accuracy

3.1.1 Alignment with the *Nunavut Planning and Project Assessment Act (NuPPAA)* and the Nunavut Agreement

Any inconsistency between the draft Plan and NuPPAA or the Nunavut Agreement shall be interpreted in favour of that Act or Agreement.

The Government of Canada recommends the following edits in order to limit the occurrence of inconsistencies that may lead to regulatory delay and to improve clarity for those reading the draft Plan.

Definition of project

Section 1.4.2 of the Plan states:

"The Nunavut Planning and Project Assessment Act exempts certain works and activities from the defined meaning of "project", which means that this Plan does not apply to, among other things, the construction, operation or maintenance of a building or the provision of a service, within a municipality, that does not have ecosystemic impacts outside the municipality and does not involve the deposit of waste by a municipality, the bulk storage of fuel, the production of nuclear or hydro-electric power or any industrial activities."

The above statement explains the reason why the "works and activities" listed are not considered projects, but does not accurately reflect NuPPAA's definition of 'project'. The statement is also inconsistent with the definition under Appendix A of the Plan, which states: "project has the same meaning as in subsection 2(1) of the *Nunavut Planning and Project Assessment Act*."

Recommendation: In order to avoid confusion, the Government of Canada recommends that the Commission reword the above statement in the draft Plan to include or refer to NuPPAA's definition of 'project'.

Wildlife Harvesting

Under section 1.4.2, the plan states the following regarding wildlife harvesting:

"The Plan does not govern the harvesting of wildlife, which is dealt with exclusively by the Nunavut Wildlife Management Board pursuant to Article 5 of the Agreement."

The draft Plan correctly notes in the above statement that harvesting of wildlife is dealt with by the Nunavut Wildlife Management Board, but does not include reference to the role or authority of federal minister or ministers pursuant to Article 5 of the Agreement.

Recommendation: The Government of Canada recommends the Commission amend the paragraph in under 1.4.2 to say:

“The Plan does not govern the harvesting of wildlife, which is **managed** by the Nunavut Wildlife Management Board, **subject to the authority of the appropriate minister**, pursuant to Article 5 of the Agreement.”

Implementation of Plan Requirements by Regulatory Authorities

Under Sections 1.4.3, 1.4.5.2, and 6.4, the Plan makes the following statements:

- [Section 1.4.3, page 11] “Conformity requirements: conditions such as setbacks or seasonal restrictions on land uses that must be satisfied to conform with this Plan and must be included in a licence, permit or other authorization issued by a regulatory authority.”
- [Section 1.4.4, page 11; Section 6.4, page 50] “Under s.69(1) of the Act, a regulatory authority must incorporate each of these requirements as conditions of any licence, permit or other authorization that it issues.”
- [Section 1.4.5.2, page 12] “It should be noted that a failure by a project proponent to comply with the applicable conformity requirements of this Plan, which are copied into the proponent’s licence, permit or other authorization as terms and conditions, constitutes an offence under paragraph 74(f) of the *Nunavut Planning and Project Assessment Act*.”

The above statements are not consistent with section 69(1) of NuPPAA, which states:

“Each regulatory authority must, to the extent of its authority to do so, ensure that any licence, permit or other authorization that it issues implements any applicable requirements of any applicable land use plan, including those identified under subsection 48(4).”

As written, the statements under 1.4.3, 1.4.4 and 1.4.5.2 of the draft Plan do not make clear that the conditions that a regulatory authority is required to include in the authorizations it issues are only those that it has the authority to implement. As well, NuPPAA specifies that requirements be implemented through authorizations, yet the above sections use more prescriptive wording such as “copied”, “included” and “incorporate”.

Under Section 1.4.4, the draft Plan also makes the following statement:

- [Section 1.4.4, page 11] “Under s. 69(5) of the Act, a regulatory authority may also incorporate additional conditions in such a licence, permit or other authorization, but a contravention of these does not constitute an offence.”

This statement is also not fully consistent with section 69(5) of NuPPAA, which states:

*“For greater certainty, a regulatory authority **may impose, to the extent of its authority to do so, requirements that are in addition to, or more stringent than, those referred to in subsection (1).**”*

The Government of Canada believes that the proper interpretation of section 69(5) of NuPPAA enables a regulatory authority to impose additional or more stringent conditions, than those mentioned in section 69(1) of NuPPAA, so long as they keep within their proper authority. Section 1.4.4 of the draft Plan

implies that should a regulatory authority impose additional or more stringent requirements under section 69(5) that, no offence would be committed if those additional or more stringent requirements were contravened. It is the Government of Canada's view that the Commission likely meant that these would not be an offence under NuPPAA, but that there can be an offence pursuant to the legislation under which the regulatory authority issued their authorization.

Recommendation: The Government of Canada recommends that the Commission change the above three statements to the following (new text underlined):

- [Section 1.4.3, page 11] "Conformity requirements: conditions of which a regulatory authority must implement to conform to this Plan must be implemented in a licence, permit or other authorization issued by a regulatory authority, within its authority to do so."
- [Section 1.4.4, page 11; Section 6.4, page 50] "Under s.69(1) of that Act, a regulatory authority must implement those requirements it has the authority to enforce as conditions of any license, permit or other authorization that it issues and which must be implemented by the regulatory authority for the purposes of this Plan."
- [Section 1.4.5.2, page 12] "It should be noted that a failure by a project proponent to comply with the applicable conformity requirements of this Plan, added to authorizations by a regulatory authority in compliance with s. 69(1) of the Nunavut Planning and Project Assessment Act, constitutes an offence under paragraph 74(f) of the *Nunavut Planning and Project Assessment Act.*"
- [Section 1.4.4, page 11] "Under s. 69(5) of the Act, a regulatory authority may impose, to the extent of its authority to do so, additional conditions in such a licence, permit or other authorization. Any contravention of these is not an offence under NuPPAA, but may be subject to enforcement pursuant to other regulatory legislation under which the authorization is issued.

Conformity Determinations

Section 6.1.2 of the draft Plan would benefit from including a statement regarding sections 151 and 152 of NuPPAA, which state:

"151 The Minister of National Defence may, on an exceptional basis, make a decision to exempt from the application of [Part 3] the carrying out of any work relating to an installation or facility, or the undertaking or carrying out of any activity, that constitutes a project within the meaning of subsection 2(1) and that is required for the purpose of national defence if that Minister certifies in the decision that, for reasons of confidentiality or urgency, an exemption is required in the interest of national security"

"152 (1) This Part does not apply in respect of any project that is carried out in response to
(a) a national emergency for which special temporary measures are taken under the Emergencies Act;
(b) an emergency if a federal or territorial minister who is authorized under any other Act of Parliament or any territorial law to declare a state of emergency, to take measures to prevent an emergency or to remedy or minimize its effects is of the opinion that an emergency exists; or
(c) an emergency if the federal Minister certifies that an emergency exists and that it is in the interest of ensuring the health or safety of an individual or the general public, or of protecting property or the environment that the project be carried out without delay"

Given that Part 3 of NuPPAA includes the provisions for conformity determinations carried out by the Commission, including mention of these sections would provide clarity to users and readers of the Plan. Having this information directly in the Plan would also help bring awareness to the public regarding exemptions for national security purposes, such as projects related to Department of National Defence operations and services, and emergency situations.

Recommendation: The Government of Canada recommends section 6.1.2 of the Plan be amended to state that certain projects related to National Defence and Security and emergency situations may be exempt from conformity determination per sections 151 and 152 of NuPPAA.

Considerations of Cumulative Impacts

Section 6.1.3 describes the Commission’s role in considering cumulative impacts. The Plan states that, in the event that a project is exempt from screening by the Nunavut Impact Review Board (NIRB) pursuant to Schedule 12-1 of NuPPAA, the Commission “may nonetheless refer the project to the that Board for screening on the basis of cumulative impacts concerns.”

This section of the Plan goes on to state that:

“The process and criteria to be used by the Commission for determining cumulative impacts have been developed and published independently from this Plan and may take the form of rules, guidelines, policies or procedures.”

The Plan could benefit from elaborating this section to more clearly outline the Commission’s role in considering cumulative impacts, as defined under NuPPAA, as well as the process and criteria used by the Commission. Section 80(1) of NuPPAA states the following:

“If a project is exempt from screening and the Commission has concerns in respect of any cumulative ecosystemic and socio-economic impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out inside the designated area, or wholly or partly outside the designated area, it must send the project proposal to the Board in order for the Board to conduct a screening of the project.”

The use of the word “determining” may mislead readers of the Plan to believe that the Commission has a role in determining whether cumulative impacts are present, when the Commission’s role per NuPPAA is to identify concerns and refer the project proposal to NIRB to conduct a screening.

Recommendation: The Government of Canada recommends:

- the Commission include wording that clarifies its role in identifying cumulative impacts concerns and referring project proposals to NIRB for screening;
- the Plan be amended to state “The process and criteria to be used by the Commission for considering cumulative impact concerns have been developed...”; and
- the Commission explicitly state which rules, guidelines, policies or procedures currently exist regarding the criteria used by the Commission for determining cumulative impacts, and include a link or description of where the documents can be found directly in the Plan document.

3.1.2 Scope of Plan Requirements

“No Person”

The Plan makes reference to the term “no person” under plan requirements 2.2.5-1, 2.4-4, 2.8.2-1, 4.1.1-9, and 4.6-1(a) and (b). The use of the term “no person” in these plan requirements is misleading because the Plan only applies to projects provided for in NuPPAA, and only the proponents of those projects must comply with the Plan. In addition, the use of the term ‘no person’ implies that those plan requirements are of general application. Therefore, using “person” in plan requirements creates ambiguity and is outside the scope of the NLUP.

The definition of the term “proponent” found in NuPPAA means:

‘a person or entity, including a federal, provincial or territorial minister, department or agency, a municipality or a designated Inuit organization, that proposes the carrying out of a project’.

This definition should fully encompass those individuals the Commission intends to include in the mentioned plan requirements.

Recommendation: The Government of Canada recommends the Commission replace the term “no person” with “no proponent”.

Limitations on Land and Water Authorizations for Future Parks

Subsection (g) of Plan Requirement 3.1.1 prohibits ‘any other use of land or water for a term of more than five years’, essentially setting a five-year limit on land and water authorization in future parks shown on map A1. This is outside of the Commission’s authority because the Commission does not have the authority to set limits on the term of land and water authorizations because another body may have the jurisdiction to issue those terms under other legislation. For example, the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* provides the Nunavut Water Board the jurisdiction to set the length of term for water licenses and authorize them under Section 45(a), to issue that license for a maximum term of up to 25 years.

Recommendation: The Government of Canada recommends the Commission remove subsection (g) of Plan Requirement 3.1.1-1.

Plan Requirements Requiring the Assessment of Impact

The following plan requirements under section 6.1.4 Minor Variance make reference to assessment of impacts.

- “6.1.4-1: In determining whether to grant a minor variance, the Commission must consider whether the proposed minor variance:
(b) will cause unacceptable adverse impacts or interference with persons, projects, wildlife, the environment or existing uses or interests;”
- “6.1.5.1-2: In addition to the information required in section 6.1.5-1, the following information is required when applying for a Plan amendment to develop linear infrastructure in a Limited Use Area:

(c) an assessment of the environmental, social and terrain engineering consequences, the cumulative impacts of the project, and the environmental and social impact of the project on Valued Components that may be affected.”

These requirements better align with the NIRB’s jurisdiction and consideration should wait until NIRB’s screening process, should the project receive a minor variance and then require screening under the Nunavut Agreement and NuPPAA. While the Commission must consider planning factors such as those related to the environment and the well-being of Nunavummiut, the assessment of project impacts is not within its jurisdiction.

Recommendation: The Government of Canada recommends that the Commission remove Plan Requirements 6.1.4-1(b) and 6.1.5.1-2(c), as they are better aligned with the NIRB’s mandate. Alternatively, the Commission might consider rewording the phrases “will cause unacceptable adverse impacts . . .” and “assessment of . . . cumulative impacts . . . and the environmental and social impact of the project . . .” with wording that more closely aligns with its mandate.

3.2 Clarifying Plan Requirements

3.2.1 Exceptions from Plan Requirements

3.2.1.1 Clarifying Exceptions

The Government of Canada acknowledges that the Commission has considered recommendations made in 2017 that specific exceptions be more clearly identified for the purposes of community resupply and emergency response.

It would also be beneficial if the Plan described in which cases an exception means that a project is not subject to review by the Commission. For example, in the case of an emergency response, a conformity review should not be required as this could impact the timely response that is needed or is not required because section 152 of NuPPAA applies. However, other activities, such as scientific research, may be identified as an exception, but a conformity review by the Commission may still be required to determine whether the project satisfies the exception.

Consistency

Exceptions for important or critical activities should be applied consistently within the Plan. For example, many Plan Requirements provide exceptions for the purposes of safe navigation, however this provision for an exception is not consistently applied to all Plan Requirements that restrict marine vessel movements. Marine vessel setbacks under Plan Requirements for walrus terrestrial haul outs (section 2.4) apply to all uses except scientific research vessels or scientific research activities, as well as vessels engaged in community resupply or emergency response. Unlike in other Plan Requirements, safe navigation is not a permitted exception. Similarly, community resupply is not an excepted activity identified in Table 1: Migratory Bird Setbacks.

Further, important activities such as law enforcement , compliance monitoring and the placement of navigational aids were not included as exceptions to Plan Requirements.

It is important that exceptions for critical activities be consistently applied in the Plan, as these activities are necessary for the safety of vessels, humans, wildlife and the environment, as well as enforcement of

laws and regulations. While each Plan Requirement that may include seasonal restrictions or setbacks should identify the excepted activities, it may also be of benefit if the Plan included an overall discussion early in the Planning document to explain these exceptions, their purpose and whether a conformity determination is required.

Recommendation: The NLUP should use consistent application of exceptions where Plan Requirements include seasonal restrictions and setbacks for marine vessels. Consideration of additional exceptions for activities such as law enforcement, compliance monitoring and the placement of navigational aids may be warranted to avoid unintended impacts to these activities, which are also important.

Further consideration should be given to adding an explanation and a Plan Requirement in section 1.4.2 that outlines the exceptions that apply to all Plan Requirements and providing clarity on when a project requires a conformity review by the Commission, even if an exception may apply.

3.2.1.2 Scientific Research

Along with traditional knowledge and Inuit Qaujimajatuqangit, it is important to the Government of Canada that the plan be supportive of scientific research that is not incompatible with the goals of a planning restriction or condition. Allowing for such research should present minimal risk to the priority values of the plan for an area, particularly given the additional provisions of the impact assessment and regulatory review processes that may follow a conformity determination, which also ensure that any proposed research respects the priority values for a planning area.

The Government of Canada is concerned that a number of areas in the draft plan would, or could, restrict vessel or aircraft navigation associated with some marine scientific research even though that research would not be incompatible with the goals of the planning restrictions for those areas. Such vessel or aircraft-based research activities might, for example, involve research related to wildlife health, abundance or distribution, or hydrographic research and mapping surveys, among others. It is also important that research that is focused on increasing our understanding of a resource and how it might best be managed be permitted, and while the current definition of “scientific research” would appear to allow for such research, additional clarity in the plan would be of benefit.

Areas in the draft plan that do not currently provide for any research exceptions from aerial and/or vessel restrictions or setback requirements include: 2.5.1-1 through 2.5.1-3, Beluga calving areas; 2.8.2-1 to 2.8.2-2, the North Water (Sarvarjuaq) Polynya; and 4.1.1-1 to 4.1.1-2, Community Areas of Interest, On-Ice Travel Routes and 4.1.1-9 through 4.1.1-10, Walrus Island and the adjacent marine area.

Other areas of the plan that have vessel and aircraft restrictions or setbacks do provide exceptions for some research activities, but the allowable research does not appear to include some vessel and aircraft-based research that would be compatible with the goals of the planning restriction.

For example, the plan states that setbacks for migratory birds “do not apply to research related to wildlife health, abundance or distribution information” (2.1-3 and Table 01, Migratory Bird Habitat Sites, Marine Bird Setbacks). The setbacks might, though, prohibit other research that is compatible with the goals of the restrictions. There may be areas where the proximity of Marine Bird Setbacks to each other and the extent of those setbacks may not allow, for example, for the conduct of hydrographic or

mapping surveys that would not be incompatible with the goals of the setback restrictions. Such research would not be captured by the current research exception.

Further, many walrus terrestrial haul-outs are designated in the plan as limited use areas and impose setbacks for vessels and aircraft. While those setbacks do provide an exception from those requirements for scientific research vessels or scientific research activities, the definition of “scientific research” in Appendix B, when understood in light of provisions of the *Nunavut Planning and Project Assessment Act* (NuPPAA), may not be broad enough to include research aimed at informing sustainable harvest levels for walrus, for example. The definition in Appendix B of the plan reads: “**scientific research** refers to research with an objective other than the development or extraction of renewable or non-renewable resources, that uses scientific methods of data collection whose procedures and outcomes adhere to recognized ethical parameters of non-exploitation.” NuPPAA, Part 2 (Land Use Planning), s.40 defines “land” for that Part as including “land covered by water, whether in the onshore or offshore, waters and resources, including wildlife.” If, then, harvesting is understood as an extraction of a renewable wildlife resource, research to inform sustainable levels of such harvest would not be permitted by the plan, given the exception for “scientific research” as currently defined.

Recommendation: The Government of Canada recommends that all areas in the draft Plan with vessel and aircraft restrictions or setbacks provide an exception for scientific research, and that the definition of scientific research in Appendix B then be amended to read: “**scientific research** refers to research with an objective other than the development or extraction of renewable or non-renewable resources, that uses scientific methods of data collection whose procedures and outcomes are not incompatible with the spirit and objectives of this plan, and which adhere to recognized ethical parameters of non-exploitation. Among other types of research not set out here, scientific research includes research about wildlife health, abundance or distribution; hydrographic research and mapping surveys; research to better understand the land and its geological evolution; and research about resources that aims to increase the understanding of the resource and/or how to best manage it.”

3.2.1.3 National Defence

In addition to the above noted exceptions for essential and important activities, the Commission may wish to consider clarifying how or if the provisions of the Plan apply to those essential activities undertaken in response to national defence and security. Under both the Nunavut Agreement and the NuPPAA (section 151), the Minister of National Defence has the authority to, on an exceptional basis, certify that an exemption is necessary due to reasons of confidentiality or urgency in the interest of national security. While not all activities undertaken by the Department of National Defence would be considered for exemption under this definition, some operational activities may be deemed essential or important, and the Commission may wish to consider clarifying this within the Plan. Analysis and identification of potential impacts to national defence and security is ongoing.

Recommendation: For clarity, it is recommended that the Plan address those requirements applicable to activities undertaken in response to national defence and security. Further Government of Canada recommendations may be provided in the future respecting national defence and security as this analysis is ongoing.

3.2.2 Land Use Designation Summary Table

In the 2016 draft NLUP, Table 1: Land Use Designation was a summary of all the zone names, zone types, and the prohibited uses and conditions of each zone. This summary table contributed to the draft Plan's clarity and the ability to quickly identify plan requirements. Though the 2021 draft Plan includes a list of the Plan Requirements whose contravention constitutes an offence under NuPPAA, a summary table of the Land Use Designations outlining the sites, designations (Limited Use, Conditional Use, Valued Ecosystem Components/Valued Socio-economic Components) and applicable Plan Requirements would be helpful for interpretation and clarity.

Recommendation: The Government of Canada recommends the Commission include a table summarizing the Land Use Designations, including site numbers, map references, and Plan Requirements in the 2021 draft Plan.

3.2.3 Formatting

In terms of colour design of the text boxes that contain plan requirements in the draft Plan, it is not clear why these colours are used.

Recommendation: The Government of Canada recommends changing the colours of the draft Plan Requirement text boxes so they reflect the land use designation (limited use or conditional use) or other plan requirements (such as those in chapters 1 and 6).

3.2.4 Caribou Seasonal Restrictions

Section 2.2.1-2, 2.2.2-2 and 2.2.3-2 and Table 2 outline seasonal restrictions for certain caribou calving, post-calving, and key access corridors. These requirements state: "Project proponents must cease all uses at those sites, except research and tourism related to caribou conservation, during the dates identified in Table 2: Caribou Seasonal Restrictions." It is the Government of Canada's understanding that in Limited Use areas pertaining to caribou key access, calving, and post-calving areas (sites 24-26, respectively), the prohibitions listed are year-round prohibitions, and for activities that are not prohibited, these activities can take place except during the seasonal restrictions (Table 2), except for research or tourism activities related to caribou conservation, which can take place any time. However, it is unclear whether the seasonal restrictions under 2.2.1-2, 2.2.2-2, and 2.2.3-2 apply where there are existing mineral rights provided for under section 6.1.8. For example, if a project with existing rights and interests identified in *Appendix A* is exempt from a prohibition, will the seasonal restrictions apply to that project?

Under *Table 2: Caribou Seasonal Restrictions*, not all of the caribou calving, post calving and key access areas identified on Map A2 or on the map in Table 2 are associated with seasonal restrictions in Table 2, so it is not clear how seasonal restriction requirements apply to those herds not listed in the table.

Section 2.2.6 also includes plan requirements for "island caribou". It is not clear which herds are being referenced by this term. It also appears that only one site (site #28) is identified in Map A2 under the Island Caribou Limited Use designation.

Recommendation: The Government of Canada recommends that the Commission provide further clarification in the draft Plan on the functional applicability of seasonal restrictions, specifically:

- Clarify whether the prohibitions listed under 2.2.1-1, 2.2.2-1, and 2.2.3-1 (and those not listed—see next bullet point) are never allowed (year-round prohibitions), except where there are existing mineral rights (section 6.1.8), for which seasonal prohibitions apply (Table 2).
- Clarify whether activities not prohibited under requirements 2.2.1-1, 2.2.2-1 and 2.2.3-1 can take place *except* during the seasonal restrictions (Table 2) and except for research or tourism activities related to caribou conservation.
- Clarify how the plan will address unexpected variability. Would proponents be required to adapt or cease project operations if caribou are present outside the seasonal restriction dates?

The Government of Canada also recommends that the Commission provide further clarifications on caribou seasonal restrictions and island caribou, including:

- Clarify in the Plan whether the seasonal restrictions in Plan Requirements under sections 2.2.1, 2.2.2 and 2.2.3 only apply to the herds listed in Table 2.
 - If the above is correct, provide further rationale for only including seasonal restriction dates for certain herds (i.e., only 8 herds have been identified in Table 2. What about the other herds and populations?).
- If seasonal restrictions do apply to the herds not listed under Table 2, please add the dates of those seasonal restrictions.
- Clarify what “island caribou” refers to. Consider using the common names of the caribou types, such as Peary Caribou, Dolphin-Union Caribou, Barren-ground Caribou and then sub-specifying the relevant herd such as the Baffin Island herd of Barren-ground Caribou.
- Clarify whether or not there is only one site identified as an “island caribou” winter range under the Limited Use designation.
- Either add the missing “island caribou” herds to the list in Table 2 or make it clear in the 2.2.1, 2.2.2 and 2.2.3 that these requirements only apply to the herds listed in Table 2, and that otherwise plan requirement 2.2.6-2 would apply.

3.2.5 Polar Bear Denning Areas

The term “trained polar bear monitor” is used in Plan Requirements 2.3-2 through 4, yet no definition is provided in the draft Plan to explain what qualifies as a trained polar bear monitor. Without a definition for what qualifies a trained polar bear monitor, it is unclear how to implement this Plan Requirement in polar bear denning areas, and how these requirements will be applied by the Commission. It is also unclear when and where the polar bear monitor is required. For example, Plan Requirement 2.3-2 states “The proponent of a project to be carried out during denning season (15 September to 15 April) must have a trained polar bear monitor **on hand** to mitigate any responses to bear presence.” The term “on hand” is not defined in the Plan, which makes it unclear when and how a trained polar bear monitor should be employed (e.g., is their presence required in person? Is their presence a requirement throughout the denning season? If no dens are located during the survey, does the proponent still need to have a polar bear monitor present?). This could confuse users of the Plan or proponents.

Recommendation: The Government of Canada recommends that the Commission provide the following clarifications on Plan Requirements 2.3-1 to -5:

- Please provide a definition for the term "trained polar bear monitor", and clarify what training authorities in Nunavut offer the required training and/or certification.
- Please specify under 2.3-2, what is meant by "on hand", specifically when and where the polar bear monitor is required.

3.3 Definitions

The Government of Canada has previously recommended that terminology used within the draft Plan be clearly defined to avoid misinterpretation of the intent and purpose of Plan Requirements. Although many terms are defined in Appendix B – Definitions, the draft Plan could benefit from additional clarity. As an example, Table 1, Migratory Bird Setbacks indicates that the marine setbacks are "subject to situations in which the safety of vessel, crew and passengers will need to come first." It is not clear if a vessel operator could enter the setback area in order to maintain the safety of vessel, crew and passengers as a matter of routine transit, or whether this would apply specifically to unexpected emergency situations such as inclement weather or impediments to navigation that could not be known at the time of departure. While the Government of Canada assumes the intent of the Commission was the latter; it is important that this be made clear. Ambiguous terms may result in circumstances where the spirit and intent of the Plan is disobeyed not purposefully, but through misunderstanding.

Further, the definition of seismic testing may be problematic. Appendix B – definitions states "*Seismic testing refers to the process of using acoustic technologies on ground environments, or in marine or freshwater environments, to research subsurface geology, usually in the search for extractable resources.*" This definition appears too broad as it could have implications for important non-seismic acoustic technologies, such as those used for seabed mapping and bathymetric charting. In addition, it is important to distinguish between research applications and those used for exploration and extraction of resources. A too broad definition may result in unintended consequences. For example, using high-frequency acoustic methods to map the seafloor and shallow sub-seafloor is not considered seismic testing. It is also an important part of safe navigation and of marine scientific research. Refining the definition of seismic testing would reduce unintended consequences.

Given that a contravention of these Plan Requirements constitutes an offence under section 219(1) of NuPPAA, it is imperative that the Plan Requirements are clearly defined and understandable to the Plan users.

Recommendation: The Government of Canada recommends the following changes to the *Appendix B: Definitions*:

- *Seismic testing* – change the definition to: “Seismic testing refers to the process of using a seismic acoustic source on ground environments, or in marine or freshwater environments, to image subsurface geology, usually in the search for extractable resources.”
- *Migratory Bird Sanctuaries* – add the following definition: “Migratory Bird Sanctuaries are established and managed under the authority of the *Migratory Birds Convention Act* and the *Migratory Bird Sanctuary Regulations* to protect migratory birds and their nests, eggs and habitat”.
- *Setback* – change the definition to: “Minimum distance that must be maintained from a specified feature or designated area boundary.”
- *Safe navigation* – add the following definition: “Safe navigation means in the discretion of the master of the vessel, entry into the restricted area is required for safety or emergency response, for example to secure or ensure the safety of the vessel, the health and safety of mariners and of those on board the vessel, to save life at sea or the vessel or to protect the environment.”
- *Community resupply* – has the same meaning as “normal community resupply” as set out in the Nunavut Agreement Article 12, Section 12.1.1:

"normal community resupply" means marine transportation whose primary purpose is the delivery to communities in the Nunavut Settlement Area of foodstuffs, household goods, construction materials for housing and other community-oriented facilities, and related goods and materials

3.3.1 Definition of Icebreaking

Further to the definitions outlined above, the Government of Canada believes that the use of the term ‘icebreaking’ in the Plan could result in varying interpretations of what this means. For example, Section 2.2.5 states “Caribou may attempt crossing icebreaker tracks...” Icebreaking can occur when a vessel requires support from an icebreaker, where the icebreaker creates an open track for safe passage. However, ice may also be broken or moved by an ice class vessel and does not require support from an icebreaker. The Commission should give due consideration to whether the use of the term ‘icebreaking’ throughout the draft 2021 NLUP could result in misinterpretation of the Plan’s intent and Plan Requirements.

For example, is the intent of the Commission to consider only icebreaking activities that occur with the support of an icebreaker, or to consider specific activities that may result in changes to ice formation and ice quality? An example of a Plan Requirement that identifies its objectives more clearly is 4.1.1-1 which states “a proponent of a project that will disrupt or destroy on-ice travel routes...”

Recommendation: Due to the variation in interpreting the term ‘icebreaking’, it is recommended that the Commission clarify what is meant when the terminology is used and determine if ‘icebreaking’ is an appropriate term in all cases. If it is identified that icebreaking is the appropriate terminology for inclusion in the Plan, it is recommended that this term be defined. The Government of Canada may be able to provide additional recommendations regarding a definition of icebreaking once further clarity on the intent of its use is provided.

3.3.2 Definition of Mineral Exploration and Production

The Government of Canada notes that the definition of “mineral exploration and production” is linked to activities under the *Nunavut Mining Regulations*. This appears to exclude these activities on subsurface Inuit Owned Land, as well as activities related to substances not covered by these regulations. In our 2017 submission, we recommended that coal exploration and development be added to the list of prohibited activities for the East Axel Heiberg Island and Fosheim Peninsula as these activities would be counter to the intended effect of the “protected area” designation (now “Limited Use”). The Government of Canada maintains this position and extends it to other Limited Use zones.

In the 2021 draft Plan, certain Limited Use areas prohibit mineral exploration and production, which is linked in the definition to activities under the *Nunavut Mining Regulations*. Currently, coal is not included in the definition of mineral under the *Nunavut Mining Regulations* and is governed separately under the *Territorial Coal Regulations*. It is the Government of Canada’s understanding that allowing coal exploration and production activities to occur in Limited Use areas that prohibit mineral exploration and production would counter the intent of the Limited Use designation and the components it intends to preserve and protect (e.g. whale calving areas, priority contaminated sites, future parks, caribou habitats, etc.).

Recommendation: The Government of Canada recommends that the Commission:

- Clarify whether mineral exploration and production activities on subsurface Inuit Owned Land are excluded from the definition of ‘mineral exploration and production’.
- Add a separate prohibition for coal exploration and production as authorized under the *Territorial Coal Regulations*, to the Limited Use zones with mineral exploration and production prohibitions.
- Add a definition of ‘coal exploration and production’ that clarifies what works and activities are considered under coal exploration and production to accompany the prohibition.

3.4 Migratory Birds Classifications and Key Habitat Sites

Under Section 2.1 of the Plan that describes the Migratory Bird Key Habitat Sites (Key Habitat Sites), there are several errors and omissions in the information on classification and the associated plan requirements, including errors in the description of each class of Key Habitat Sites (Class 1, Class 2 and Class 3) and between Class 2 and Class 3 plan requirements.

Several Migratory Bird Key Habitat Sites within the larger Limited Use area for Tallurutiup Imanga NMCA are missing from both the draft Plan’s spatial data and *Table 01 Migratory Bird Setbacks*. However, information on those missing Key Habitat Sites is provided in the Options and Recommendations document under *Appendix B1: Details of Specific Migratory Bird Sites*.

One Key Habitat Site for Ivory Gull and its identified Critical Habitat (Cornwallis Island) is also missing from the Plan and spatial data (due to an omission in the 2016 Mapbook data provided by ECCC).

In addition, several corrections are required for the information provided in *Table 1: Migratory Bird Setbacks*. Under the second table where the Key Habitat Sites are listed, the following require edits:

- a. errors in applicable setbacks for multiple sites;
- b. missing sites; and

- c. not all Key Habitat Sites listed are reflected in the spatial data (e.g. sites within Tallurutiup Imanga).

Recommendation: The Government of Canada recommends the following edits to reflect accurate information for the Migratory Bird Key Habitat Sites:

- Add the missing Migratory Bird Key Habitat Sites to the Plan’s spatial data, and adding these sites to *Table 1 Migratory Bird Setbacks* with their applicable setbacks. A list of the sites to be added is provided below under Annex A (see Table A1 and Table A2). Table A1 lists the missing Key Habitat Site for Ivory Gull (Cornwallis Island), and the seven sites located within Tallurutiup Imanga. These sites and their setbacks could be added to the Plan in a separate table with text describing that the Plan will cease to apply once Tallurutiup Imanga is formally established.
- Add corrections to the table that lists Key Habitat Sites and their setbacks under *Table 1: Migratory Bird Setbacks*. Table A2 in Annex A provides the accurate list of Key Habitat Sites for all three classes of Key Habitat Sites, with the relevant changes.
- Amend the description of Migratory Bird Key Habitat Sites classifications in Section 2.1 to reflect the following information:
 1. Class 1 sites have identified incompatible uses, identified setbacks and are deemed to be Highly Risk Intolerant. Class 1 sites meet the following criteria:
 - a) Are legislated protected areas under the *Migratory Birds Convention Act* or the *Canadian Wildlife Act*; AND/OR
 - b) Support a percentage of a national species population equal to or greater than the percentage of ‘sustainable loss’ that the population can tolerate; AND/OR
 - c) Hosts more than 5% of a national population of a species exhibiting population declines as of 2005; AND/OR
 - d) Contain habitat likely to be identified as Critical Habitat for a migratory bird listed as ‘endangered’ or ‘threatened’ under the federal *Species at Risk Act*.
 2. Class 2 sites have identified setbacks and are deemed to be Moderately Risk Intolerant. Class 2 sites meet the following criteria:
 - a) Contain 5-10% of the national population of one or more migratory bird species that are NOT exhibiting population declines as of 2005: OR
 - b) Contain 1-5% of the national population of one or more migratory birds species that are exhibiting population declines as of 2005.
 3. Class 3 sites do not have identified incompatible uses or setbacks but meet criteria for Class 2 sites and are deemed to be Moderately Risk Intolerant.

3.5 Marine Shipping

Section 5.3.2 of the 2021 draft Plan highlights the importance of marine shipping as a component of current and future development in Nunavut, to which the Government of Canada agrees. This section further states, “In some Limited Use and Conditional Use areas, marine shipping is subject to certain seasonal restrictions and setbacks unless specifically exempted”. This section is not clear however, on

whether the Plan applies to all marine shipping or only marine shipping that are projects or are in support of projects.

As noted in section 1.4.2 of the draft Plan, the provisions of the NLUP apply to all projects within the Nunavut Settlement Area, as provided in NuPPAA. As such, only vessel movements that are, or are part of, a “project” as defined under the NuPPAA would be subject to the provisions of the Plan.

Recommendation: To improve overall clarity of the 2021 draft Plan in relation to marine shipping, it is recommended that the language of Section 5.3.2 be updated to reflect that Plan Requirements included in the NLUP, including where marine navigation may be subject to certain seasonal restrictions and setbacks, applies only to vessel movements that are, or are part of, a “project” as defined under the NuPPAA.

3.6 Contaminated Sites

The priority contaminated sites shown on Map A are Limited Use areas subject to Plan Requirement 4.6-1, which states:

- (a) no person is to use such a site for purposes other than remediation or monitoring until its clean-up is completed and has been reported to the Commission

It is unclear what happens to these areas once clean-up is completed. The above prohibition also conflicts with overlapping Limited Use designations for military facilities – this issue is addressed in section 3.2.1 of this submission.

Recommendation: The Government of Canada recommends the Commission clarify if, once clean-up is completed, contaminated sites listed under the draft Plan remain as Limited Use areas and, if so, what activities are prohibited.

3.7 Minor Variance

Section 6.1.4 outlines the ability of a proponent to seek a minor variance to the conformity requirements in conditional use and limited use zones. Plan requirement 6.1.4-2 states that a minor variance is not to be issued for relief from a prohibition.

It is not clear, if plan requirements in 2.2.1-2, 2.2.2-2 and 2.2.3-2, requiring proponents to cease all uses during the dates set out in Table 2, are considered a prohibition under section 6.1.4. As well, section 1.4.5.2 refers to “seasonal prohibitions” in Conditional Use zones, but it is not clear whether the seasonal restrictions in Plan Requirements 2.2.5-1, 2.3-2 to 4, and 2.8.2-1, for example, are subject to a minor variance or whether they are considered “prohibitions” that cannot be varied. There is a need for the draft Plan to provide clarity on what activities may or may not be considered prohibitions and where a minor variance is not applicable. The Government of Canada is also seeking clarification on whether a minor variance may be applied in the case where caribou are present outside the set seasonal restriction dates under *Table 02* of the Plan.

Recommendation:

- Either section 6.1.4 or the Plan Requirements identified above should be amended to clearly identify if a minor variance is applicable to seasonal restrictions on projects.
- The Government of Canada requests that the Commission clarify whether a minor variance may be applied in the case where caribou are present outside the set seasonal restriction dates under *Table 02* of the Plan.
- The Government of Canada also recommends that the Commission reference either “seasonal prohibition” or “seasonal restrictions” throughout the Plan. This would provide more clarity to the reader.

3.8 Annual Reporting to Commission

Section 6.3.2 of the 2021 draft Plan states that proponents must report to the Commission within 30 days of each calendar year in which a project is carried out (Plan Requirement 6.3.2-1), and outlines requirements regarding the contents of the annual report (Plan Requirement 6.3.2-2(a) to (d)).

Other Institutions of Public Governance require annual reporting by proponents. Standardizing the reporting requirement and information gathered in support would help streamline the reporting process and ease the administrative burden on proponents as well as Designated Inuit Organizations and other Institutions of Public Governance reviewing the reports.

Recommendation: The Government of Canada recommends that the Commission along with proponents, Institutions of Public Governance, and Designated Inuit Organizations, pursuant to section 192-194 of NuPPAA, develop common reporting requirements that can be leveraged by all.

4 Additional Errors, Omissions and Edits

The following table outlines a number of apparent errors, omissions and edits, with recommended corrections that are required to improve the accuracy and clarity of the Plan.

Reference	Description	Recommendation
PLAN		
Section 1.2 The Nunavut Settlement Area, p. 2	The following sentence could be reworded for clarity: "There are fewer than 40,000 residents, more than 80% of whom are Inuit, living in 25 municipalities spread over three regions: the Qikiqtani, Kivalliq and Kitikmeot."	Suggested wording: "There are fewer than 40,000 residents, more than 80% of whom are Inuit, living in 25 municipalities which are spread over the Qikiqtani, Kivalliq and Kitikmeot regions."
Section 1.2 The Nunavut Settlement Area, p. 2	The following sentence could be reworded for clarity: "All communities are accessible year-round only by air and seasonally by sea."	Suggested wording: "All communities can be reached, either year-round by air, or seasonally by sea."
Section 1.2 The Nunavut Settlement Area, p. 2 Figure 1 Nunavut Settlement Area, p. 4	The Plan uses the term "Qikiqtani" under section 1.2, but "Qikiqtaaluk" identifies the region in Figure 1.	Use either Qikiqtani or Qikiqtaaluk throughout the plan for clarity.
Section 1.2.2 Inuit Owned Lands, p. 3 Section 1.4.2 Application of the Nunavut Land Use Plan, p. 10	The plan indicates areas where the plan applies (Inuit Owned Lands, <i>all projects with in the Nunavut Settlement Area and the Outer Land Fast Ice Zone, including surface and subsurface lands, freshwater, marine areas and the beds of these bodies of water</i>) and does not apply (<i>within established national parks, national marine conservation areas, territorial parks, and national historic sites administered by the Parks Canada agency and exemptions by NUPPAA and harvesting of wildlife</i>) under multiple sections of the Plan and in maps A1, A2, and A3) It could be helpful to have this information in a central location	Include a table with a comprehensive list of the areas outside of the Commission's jurisdiction (e.g. names of national parks, historic sites, etc.). This table can be inserted either in the plan or directly on map A1. We also recommend that the areas outside of the Commission's jurisdiction be included in the publicly available shape files.

	<p>in the plan. As drafted, the maps A1, A2, and A3, have identified in green areas outside of the Commission's jurisdiction. However, these are not labelled in the maps or the shapefiles, and smaller areas (i.e. historic sites) do not appear due to the larger scale of the maps.</p>	
<p>Section 1.3.3 Importance and Role of Land Use Planning in the Nunavut Settlement Area, p. 6</p>	<p>The Plan states: "Land use planning is used to achieve objectives in land and resource management on a large scale. Specifically, land use planning has critical aspects, including:"</p> <p>This phrase could be reworded for better for clarity and for ease of reading.</p>	<p>Suggested wording: "Land use planning is used to achieve several objectives in land and resource management on a large scale; which includes critical aspects such as:"</p>
<p>Section 1.3.4 Incremental Planning, p. 6</p>	<p>The Plan states: "It is not feasible to develop a completely comprehensive land use plan for such a vast area in a reasonable timeframe."</p> <p>Here, 'reasonable' is not an appropriate term. Reasonable would include a time frame where it would be possible.</p>	<p>Suggested wording: "It is not feasible to develop a completely comprehensive land use plan for such a vast area in the definitive time-frame." or "It is not feasible to establish a definitive time-frame for completing a comprehensive land use plan, given the vast area encompassed and the consultation required to ensure the plan is fully informed".</p>
<p>Section 1.3.5 Consultation, p. 6-7</p>	<p>The Plan states: "In the course of preparing this Plan, the Commission has learned a great deal about the priorities and values of residents, as well as those of Canada, the Government of Nunavut, Inuit organizations, other institutions of public government, industry, communities from neighbouring jurisdictions and non-governmental organizations"</p> <p>It seems 'Canada' here means</p>	<p>If Canada here represents the Government of Canada, we should state the Government of Canada (v. the values of all of the residents of Canada).</p> <p>And here, the phrase 'as well as those of' could either be scratched or moved further to the last listed group (... from neighbouring jurisdictions as well as those of non-government organizations).</p> <p>If the intention was to emphasize the importance of gathering input from</p>

	'the Government of Canada', and the phrase 'as well as those of' seems misplaced.	residents of Nunavut, maybe it would be better to split this into two sentences? i.e. learned much about Nunavut residents values. [hard stop] further the values of the [list here].?
Section 1.4.1 Nunavut Land Use Plan Structure and Content, p. 10	Under section 1.4.1 of the draft Plan, the description of 'Map B' is provided before the description of 'Map A'. The draft Plan could be more clear if these two paragraphs were interchanged such that the description of 'Map A' is presented first.	Consider interchanging the last two paragraphs under section 1.4.1 so that Map A is referenced before Map B.
Section 1.4.2 Application of the Nunavut Land Use Plan, p. 10	<p>Ongoing CAF Operational requirements have obligations that reach beyond the borders of Nunavut into a national and international stage. The Plan therefore cannot be a deterrent or compromise this extension.</p> <p>Binding international instruments are not restricted to the 1982 United Nations Convention on the Law of the Sea and would also include but not be limited to NATO, Comprehensive Nuclear-Test Ban Treaty (1996), and NORAD plus those obligations stemming from Canada's participation in the Arctic Council and the International Maritime Organization as two examples.</p>	Suggest the addition of an Appendix to the Plan that lists those International Agreements, councils, organizations etc., active or proposed, to which the Government of Canada subscribes, and that are in effect and/or through their extension having bearing on the territory.
Section 1.4.3 Interpreting Plan Requirements and Information on Valued Components, p. 11	The draft Plan discusses how proponents and regulatory authorities are to consider Valued Ecosystem and Socio-economic Components (VECs/VSECs). However, there is no information on if or how information regarding VECs/VSECs will be transferred throughout the regulatory regime. For example, will the	Consider amending the description of VECs/VSECs under section 1.4.3 of the draft Plan to clarify if or how the information on VECs/VSECs will be transferred throughout the regulatory regime.

	NIRB have access to the information on VECs/VSECs during the screening process, and if so, how will this information be shared? Is it the proponent’s responsibility?	
Section 1.4.5.1 Limited Use, p. 12	The Plan states: ““Under s 74(f) of the <i>Nunavut Planning and Project Assessment Act</i> , it is prohibited to contravene the applicable conformity requirements in Limited Use areas.”. As written this sentence reads as though “Limited Use areas” is included in 74(f) of NuPPAA.	Amend the wording under section 1.4.5.1 of the Plan to state: “It should be noted that a failure by a project proponent to comply with the applicable conformity requirements of this Plan, added to authorizations by a regulatory authority in compliance with s. 69(1) of the <i>Nunavut Planning and Project Assessment Act</i> , constitutes an offence under paragraph 74(f) of the <i>Nunavut Planning and Project Assessment Act</i> .”
Section 1.4.6 Seasonal Restrictions, p. 12-13	Ukiaksaq in the text vs Ukiaqsaak in figure 4.	Please correct the spelling of "Ukiaksaq" in figure 4.
Section 2.4 Walrus Terrestrial Haul-Outs, p. 20	S.2.4, “Walrus Terrestrial Haul-Outs” says: “There are four distinct populations of Atlantic walrus in Canada, all of which reside in Nunavut.” DFO scientists consider there to be two distinct populations of Atlantic walrus in Canada (High and Central Arctic).	Suggest changing this statement to: “There are two distinct populations of Atlantic walrus in Canada (High and Central Arctic), both of which reside in Nunavut.”
Section 2.4 Walrus Terrestrial Haul-Outs, Plan Requirement 2.4-1, p. 21	Walrus haul outs are mentioned but the locations are not shown on Map A. Site 41, which is listed in Section 2.4-1, is identified on Map A as Territorial Park.	Accurately identify locations of Walrus Haul-Out areas, shown as #30 on Map A. Review supporting maps and documentation for accuracy and completeness.
Plan Requirement 2.4-1 to 2.4-5, p. 21	Plan Requirements 2.4-1 to 2.4-5 do not provide an exemption for safe navigation. This is inconsistent with other Plan Requirements that are applicable to marine setbacks, e.g., 2.2.5-1.	Amend Plan Requirement 2.4-2 to read: <u>Except as required for safe navigation, the following requirements apply to all uses in those areas except scientific research vessels or scientific research activities: ...</u>

<p>Section 2.7.1 Ecologically and Biologically Significant Areas, p. 22</p>	<p>Under 2.7.1, Ecological and Biological Significant Areas, there is a misuse of the term “large spatial scale”. Sentence currently reads: “Due to limitations in available information, these areas have been identified at large spatial scales.”</p>	<p>Large spatial scale means smaller geographic space, so suggest this sentence refer instead to “broad spatial extent” and be changed to: “Due to limitations in available information, these areas have been identified at broad spatial extent.”</p>
<p>Section 2.7.1 Ecologically and Biologically Significant Areas, p. 22</p>	<p>Replace Traditional knowledge with more comprehensive wording.</p>	<p>Suggest "Indigenous Knowledge" be used in place of traditional knowledge, in this instance and throughout the Plan document, as appropriate.</p>
<p>Sections 2.7.2 Polynyas and 2.8.2 North Water Polynya (Sarvarjuaq/Pikialaorsuaq), p. 22-23</p>	<p>Typo in “Pikialaorsuaq”.</p>	<p>Please correct wording to "Pikialasorsuaq".</p>
<p>Section 2.9 Climate Change, p. 24</p>	<p>It might be useful to mention regulatory and non-regulatory tools that the plan supports for climate change mitigation. A general high level specific requirement of climate change impact monitoring could be appropriate for inclusion in this plan to specifically indicate the support this plan provides for minimizing Greenhouse Gas emissions. This will strengthen the contribution of this land use plan to sustainable development.</p>	<p>Consider indicating the regulatory and non-regulatory tools this plan supports or that support this plan for climate change mitigation. Also, consider including a specific requirement of consideration of climate change and variability impacts in all land use.</p>
<p>Section 2.9 Climate Change, p. 24</p>	<p>Under Section 2.9 of the Plan, the Commission states that it “supports the control and minimization of greenhouse gas emissions and the monitoring of climate change impacts” and recommends the consideration of climate change related issues. The Commission could incorporate the concept of climate change adaptation to complement these recommendations.</p>	<p>The Government of Canada suggests that the Plan recognize the concept and practice of climate change adaptation as actions taken to reduce the negative impact of climate change, as well as opportunities that may exist to improve the climate resilience of projects.</p>

<p>Section 3.1.1 Future National & Territorial Parks (and associated maps), p. 26</p>	<p>"The text indicates: "At the time of writing, there are no national parks awaiting full establishment under the <i>Canada National Parks Act</i> in Nunavut. However, there are two recommended additions to existing national parks. These two areas are shown on Map A"".</p> <p>While Ward Hunt Island is identified on Maps A1-3 as an area recommended for addition to Quttinirpaaq National Park, the second area recommended for addition (Sila Lodge and associated parcels for addition to Ukkusiksalik National Park) is not identified."</p>	<p>"OPTION 1: In all maps and GIS files, identify Sila Lodge and associated land parcels as the second area recommended for addition to national parks in Nunavut</p> <p>OPTION 2: Given the small size of the lodge and associated parcels and the fact that they likely won't be visible on the maps, identify this area (and Ward Hunt Island associated with Quttirnipaaq National Park) in the text for section 3.1.1 Future National & Territorial Parks"</p>
<p>Plan Requirement 3.1.1-1 (Map A1-3), p. 27</p>	<p>The Plan requirements (section 3.1.1-1) identify future parks as Limited Use Areas. On Map A3 Ward Hunt Island is identified as a mixed use area. On Map A2, it is identified as Conditional Use Area #34 (Future National Parks). Map A1 identifies it as a conditional use area. This area is awaiting addition to the <i>Canada National Parks Act</i> as part of Quttinirpaaq National Park.</p>	<p>Maps A1-3 should be edited to reflect the Plan Requirements (Limited Use Area).</p>
<p>Section 3.1.2 Proposed National Marine Conservation Areas, p. 27</p>	<p>Grammatical error, Plan states: "None of these regions is represented through an established national marine conservation area" The word 'is' should be 'are' to match the plural subject</p>	<p>Suggest changing 'is' to 'are'</p>
<p>Section 3.2 Conservation Areas, p. 28</p>	<p>The terms "Migratory Bird Sanctuary" and "National Wildlife Area" - are not consistently written between documents. Some are capitalized and some are not.</p>	<p>Capitalization is preferred in all NLUP related documents (whether singular or plural form): National Wildlife Area/s Migratory Bird Sanctuary/ies</p>

Section 3.2.2 Migratory Bird Sanctuaries, p. 28	Under the table entitled "Migratory Bird Sanctuaries of Nunavut", only Cambridge Bay is listed as the nearest community. However, Queen Maud Gulf has three associated communities per the <i>Inuit Impact and Benefit Agreement for National Wildlife Areas and Migratory Bird Sanctuaries in the Nunavut Settlement Area</i> .	Add Gjoa Haven and Umingmaktok as communities related to Queen Maud Gulf (Ahiak) Migratory Bird Sanctuary.
Section 3.2.2 Migratory Bird Sanctuaries, p. 28	The Plan states "There are currently 8 migratory bird sanctuaries in Nunavut."	Suggested wording: "there are currently 8 migratory bird sanctuaries in the Nunavut Settlement Area."
Sections 3.2.2 Migratory Bird Sanctuaries and 3.2.5 National Historic Sites Migratory Bird Sanctuaries, p. 28-29	Table Title "Migratory Bird Sanctuaries in Nunavut" Table Title "National Wildlife Areas in Nunavut"	Change to: "Migratory Bird Sanctuaries in the Nunavut Settlement Area." "National Wildlife Areas in the Nunavut Settlement Area."
Section 3.2.2 Migratory Bird Sanctuaries (Table 01 - Migratory Bird Setbacks, and throughout all the documents), p. 28 and 54	Many Migratory Bird Sanctuaries have new Inuktitut names but they are not legislated yet.	We propose including the Inuktitut names in brackets after the English name to reflect changes coming in the Regulations. Please correct the names of all Migratory Bird Sanctuaries in all NLUP documentation as follows: East Bay (Qaqsauqtuuq) Harry Gibbons (Ikkattuaq) Queen Maud Gulf (Ahiak) Dewey Soper (Isulijaqniq) Seymour Island (Nauyavaat) McConnell (Kuugaarjuk)
Section 3.2.3 National Wildlife Areas, p. 28	Under the table entitled "National Wildlife Areas of Nunavut", the following corrections are required: • Misspelling of National Wildlife Area names; • change of name for Polar Bear Pass as specified in next cell and as per the updated <i>Wildlife Area Regulations (2020)</i>	Please verify and correct all spelling errors for the following National Wildlife Areas but also across all documents: Ninginganiq Qaqulluit Nanuit Itillinga (formerly known as Polar Bear Pass)

<p>Section 3.2.4 Oceans Act Proposed Marine Protected Areas, p. 29</p>	<p>The Conservation Areas section of the draft Plan refers to <i>Oceans Act</i> Proposed Marine Protected Areas in 3.2.4., however there is currently no mention that Ecologically Significant Areas may also be established in Nunavut under the <i>Fisheries Act</i>.</p>	<p>Add a section after 3.2.4 for Ecologically Significant Areas with the following:</p> <p>Ecologically Significant Areas are designated under the <i>Fisheries Act</i> by the Fisheries and Oceans Canada to provide protections for fish and fish habitat that is sensitive, highly productive, rare or unique, in accordance with management objectives established for their conservation and protection.</p> <p>There are currently no Ecologically Significant Areas proposed in the Nunavut Settlement Area. The NLUP would apply within an Ecologically Sensitive Area.</p>
<p>Section 3.2.4 Oceans Act Proposed Marine Protected Areas, p. 29</p>	<p>Tuvaijuittuq is only listed as a VEC. There is an Inuit Impact and Benefit Agreement for this site and protected by ministerial order.</p>	<p>Suggest changing Tuvaijuittuq to Limited Use area.</p>
<p>Section 3.2.5 National Historic Sites, p. 29</p>	<p>Text in section 3.2.5 doesn't clearly differentiate between the national historic sites subject to the NLUP and the one that is exempt.</p>	<p>Amend last sentence in section 3.2.5 text [suggested revision in red] A national historic site is a site, building or other place of national interest or significance that has been commemorated by the Minister responsible for Parks Canada under the <i>Historic Sites and Monuments Act</i>. Land use plans developed by the Commission do not apply within national historic sites administered by Parks Canada. There are 11 national historic sites not administered by Parks Canada in the Nunavut Settlement Area and only one site, marine based, that is administered by Parks Canada.</p>
<p>Section 3.2.5 National Historic Sites (all maps), p. 29</p>	<p>HMS Erebus and HMS Terror National Historic Site not on map as area outside NLUP jurisdiction.</p>	<p>Add Wrecks of HMS Erebus and HMS Terror National Historic Sites to all maps as excluded from NLUP.</p>

<p>Section 4.1.1 Community Areas of Interest, p. 32</p>	<p>The Plan states: "The community areas of interest have been identified by Nunavut communities. Given the central importance of community priorities and values to land use planning in Nunavut, a fundamental objective of this Plan is to support Inuit social and cultural needs and aspirations by providing management to areas of cultural importance."</p> <p>There seems to be a shift in dialogue that can be stated more clearly. The paragraph starts with community priorities and shifts to Inuit social and cultural needs and importance. The something missing may be the statement that Inuit participants in communities representing a majority of the community, and also the basis of Inuit heritage prevalent in the land. From here it follows the community priorities are also Inuit social and cultural needs, and are of central importance to the land use planning in Nunavut.</p>	<p>Suggest adding a more logical segue to introduce the importance of Inuit social and cultural values in the scope of the community values.</p>
<p>Section 4.1.1 Community Areas of Interest, p. 32</p>	<p>Community Areas of Interest identify "Naujaat areas" as Community Areas of Interest in the Kivalliq. This location name may be unfamiliar to some readers.</p>	<p>Suggest adding "(formerly Repulse Bay)" after "Naujaat areas", in a similar way as "(formerly Hall Beach)" has been added after "the Sanirajak" in 4.1.1-3.</p>
<p>Plan Requirement 4.1.1-9, p. 33</p>	<p>Plan Requirements 4.1.1-9 do not provide an exemption for safe navigation. This is inconsistent with other Plan Requirements that are applicable to marine setbacks, e.g., 2.2.5-1.</p>	<p><u>Except as required for safe navigation, no</u> person is to pilot a vessel within 5 km seaward of a walrus terrestrial haul-out on Walrus Island at any time during the year.</p>

<p>Plan Requirement 4.1.1-10, p. 33</p>	<p>Plan Requirements 4.1.1-10 reference to Plan Requirement 4.1.1-8 is incorrect. Plan Requirement 4.1.1-8 addresses disposal at sea. It is Plan Requirement 4.1.1-9 that places restrictions on vessel traffic.</p>	<p>Change 4.1.1-10 to read: Section 4.1.1-89 does not apply to vessels engaged in community resupply or emergency response.</p>
<p>Section 4.2 Parts of the Nunavut Settlement Area Shared with Non-Nunavut Communities (Map B2.4), p. 35</p>	<p>Areas of equal use and occupancy are described in the definitions section for Appendix B, at pg. 68. S. 4.2.1-1 also identifies the areas of equal use and occupancy shown on Map B as known Valued Socio-Economic Components. Figure B2.4, "Areas of Equal Use and Occupancy", though, does not include information about the meaning of "Equal Use and Occupancy".</p>	<p>Suggest adding some sub-text to the Figure B2.4 map so readers know it shows parts of the Nunavut Settlement Area that are shared by both Nunavut and non-Nunavut communities.</p>
<p>Section 4.2.2 Dēnesųfiné Areas, p. 35</p>	<p>The Plan includes the statement: "Areas withdrawn by Order in Council from development are surveyed and the interim boundaries are set through negotiations between the Canada and the Dēnesųfiné Nations."</p> <p>This may read better as either Government of Canada, or Nation of Canada or Canadian Nation, but no so much with Canada Nation.</p>	<p>Suggested wording: "...between the Government of Canada and Dēnesųfiné Nations."</p>
<p>Section 4.5 Community Drinking Water Supplies, p. 36</p>	<p>DND maintains, in partnership with the Hamlet of Hall Beach, the community drinking water supply for the hamlet on lands administered and controlled by DND on behalf of Her Majesty in the Right of Canada.</p>	<p>Seeking clarification on how RP assets and facilities of this nature are to be captured in the plan and within Municipal Boundaries.</p>
<p>Section 4.6 Contaminated Sites, p. 37</p>	<p>4.6-1 Plan Requirements, concerns are: (a) contaminated sites exist on active/operational locations and are not limited to just remedial and monitoring</p>	<p>Input from those administering and controlling the sites is necessary to maintain alignment with the partnership agreements entered into and the respective legislation/</p>

	<p>efforts; (b) those restricted purposes listed seem to be somewhat restrictive. Restrictions should also include but not be limited to gravel borrow, modification, expansion, and/or removal.</p>	<p>governance instruments. This being the case, a blanket approach may not be effective in this particular situation.</p>
<p>Section 4.6 Contaminated Sites, p. 37</p>	<p>In the Plan Remediation Sites are often represented by a point feature. There are concerns that these do not accurately represent the full extents of the land area and its definition, whether legally surveyed, reserved, or captured in associated governing documentation. For example, within the Plan is a Limited Use area identified as "PIN-4 Byron Bay Distant Early Warning System Site Land Remediation". The legal definition of this site is a reserve established in 1957 and approved by DIAND which includes the metes and bounds description. DND executed Legal Survey in 2011 and has registered it in the LTO-Iqaluit as Plan Number 100634 CLSR NU, 4386 LTO NU. This land is also identified on the Nunavut Devolution List as discussed above.</p>	<p>To ensure consistency, it is asked that the legal cadastral fabric be considered for incorporation into the Plan as these need to be accurately captured and represented.</p>
<p>Section 4.6 Contaminated Sites, p. 37</p>	<p>The Limited Use Plan Requirements indicate "for remediation and monitoring...". The plan may have left out a significant part of the land use activity by the Contaminated Sites Program "environmental site assessments". It is important to indicate this activity as applicable land use as it is a critical part of the 10 step process with contaminated sites, and particularly because not all sites end up remediated.</p>	<p>The Commission should consider revising the plan requirements to read "...for environmental site assessments, remediation and monitoring..."</p>

<p>Section 4.6 Contaminated Sites, p. 37</p>	<p>The priority contaminated sites shown on Map A are Limited Use areas subject to the following rules: (a) no person is to use such a site for purposes other than remediation or monitoring until its clean-up is completed and has been reported to the Commission</p>	<p>Clarity p. 37 The priority contaminated sites shown on Map A are Limited Use areas subject to the following rules: (a) no person is to use such a site for purposes other than remediation or monitoring until its clean-up is completed and has been reported to the Commission Unclear what happens to these areas once clean-up is completed. Would be useful to have clarity if they remain as Limited Use areas and, if so, what activities are prohibited.</p>
<p>Section 4.7 Military Facilities, p. 38</p>	<p>Text detailing the Department of National Defence’s military establishments has a number of edits and omissions.</p> <p>There are a number of RP Assets listed like the North Warning System that should be added because in the Nunavut portion of the system there are thirty-one (31) active stations.</p> <p>Eureka is listed as a DND military site but is in fact an ECCC administered and controlled federal Real Property asset.</p>	<p>Modify the first sentence to include “defence” and more specifically, “Department of National Defence establishments in the Nunavut Settlement Area contribute to national defence and security.”</p> <p>Amend the Plan to account for these findings. The following text is suggested:</p> <p>Department of National Defence establishments in the Nunavut Settlement Area contribute to National Defence and Security as set out in the Nunavut Agreement and the NuPPAA. These facilities include but are not limited to:</p> <ul style="list-style-type: none"> a) North Warning System Sites; b) NORAD Operating Locations; c) Canadian Armed Forces station Alert, north-eastern tip of Ellesmere Island; d) Nanisivik Naval Facility, near Arctic Bay; e) the High Arctic Data Communication System; and, f) Joint Seismic Research Facility (JSRF) - Reserve 1853, Cambridge Bay <p>NOTE: There is not sufficient space to include all of DND real property</p>

		assets in this list. Therefore, only the most prominent ones and our groupings have been included.
Section 4.7 Military Facilities, p. 38	Status of Nanisivik Naval Facility near Arctic Bay has changed.	Modify text to be: Nanisivik is a deep water naval facility. Once complete, the naval facility will support the Department of National Defence and other government department operations.
Plan Requirement 4.7-2, p. 38	The Plan establishes that the military facilities within municipal boundaries are hereby identified as known Valued Socio-Economic Components.	Clarity being sought as to what this classification entails and those expectations placed upon those administering and controlling these sites.
Section 4.8 Aerodromes, p. 38	The Aerodrome property boundary/extents and the Transition Zones needed around the aerodrome to ensure safe movement of aircraft should be better represented in the Plan and accompanying spatial data files.	Plan to be amended to better represent the aerodrome's footprint and allow for it to be fully accounted for in the Planning Process.
Section 5.2 Oil and Gas Potential, p. 41	Under Section 5.2 of the draft Plan, it is stated that mineral exploration and production is permitted within all Mixed Use areas and Conditional Use areas, subject to any applicable conformity requirements, and is prohibited within certain Limited Use areas. It is also stated that Oil and Gas exploration and production is prohibited within some Limited Use areas. The Government of Canada understand that this means that Oil and Gas exploration and production is also permitted within all Mixed Use areas and Conditional Use areas, subject to any applicable conformity requirements; this should be stated explicitly in paragraph 4 of page 41 of the draft Plan, just like for minerals. However, the draft Plan could benefit from	The Government of Canada recommends explicitly stating under section 5.2 that oil and gas exploration and development is permitted within mixed use and conditional use areas (subject to any applicable conformity requirements), as is done in other sections of the draft Plan (i.e., section 5.3.1). The following wording is suggested: "Oil and gas exploration and production is permitted within all Mixed Use areas and Conditional Use areas, subject to any applicable conformity requirements, and is prohibited within some Limited Use areas."

	further clarification on this point.	
Section 5.2 Oil and Gas Potential, p. 41	The sentence indicates that "It is expected that oil and gas sector in Nunavut will grow...". It is recommended that the land use plan details capture this as an anticipated projection and not an expectation.	Consider revising it to read "It is anticipated that oil and gas sector in Nunavut will grow..."
Section 5.3.1 Terrestrial Linear Infrastructure, p. 41	Confirmation being sought as to whether fuel distribution systems and related infrastructure are included in this definition. The concern centres upon the Plan, which states that "Linear infrastructure is permitted within all Mixed Use areas and Conditional Use areas, subject to any applicable conformity requirements, and is prohibited within certain Limited Use areas." All of DND assets currently in the plan are identified as Limited Use areas. DND has in its inventory active Fuel Distribution Systems and related infrastructure necessary for it to operate.	Clarify fuel distribution systems are included in the Terrestrial Linear Infrastructure definition or amend the definition to account for this asset type, and/or ensure the prohibitions assigned to DND held Limited Use areas does not include fuel distribution systems and infrastructure in its definition.
Section 5.4 Commercial Fisheries, Plan Requirement 5.4-1 and Maps B2.14 to B2.16, p. 42 and 101-103	References to "fisheries management areas" in the draft Plan, and associated maps, might be taken as indicating that all, or a significant part of each area, is of special abundance for the identified species and/or is being fished commercially. Each area shows a large portion of an existing fisheries management area, within which some commercial fisheries have been established.	The text for 5.4-2 might refer to "char, turbot and shrimp management areas" as Valued Socio-Economic Components, rather than to "char and turbot areas of abundance". It is recommended that the approach for all three commercial fish/shrimp management areas be consistent. Please see Item 9, below, for suggestions with respect to Maps B2.14, B2.15 and B2.16
Section 5.4 Commercial Fisheries and Maps B2.14 to B2.16, p. 42 and 101-103	1) Fish common names are currently in lower case, while the accepted writing approach is to capitalize each part of the specie's name.	1) Consider using the accepted approach to writing fish common names, which is to capitalize the first letter of all parts of the specie's name (e.g. Arctic Char, Turbot, Greenland Halibut).

	<p>2) The fish commonly referred to in Canadian commercial fisheries as “Turbot” can be confused with a different fish with the same name in Europe.</p> <p>3) In s.5.4, “Information on Valued Components” does not mention the Shrimp Management Areas as being Valued Socio-Economic Components. Also, Figures B2.15 and B2.16 are not referenced or linked.</p> <p>4) Changes to the figures for consistency and improved clarity are recommended. The fisheries management areas in the Nunavut Settlement Area for all three commercially harvested fish/shrimp species shown in these Figures B2.14, B2.15 and B2.16 are part of larger established management areas. Fisheries management areas do not necessarily depict areas of special abundance for a species and are significantly broader than the sites where commercial fishing might currently be taking place.</p>	<p>2) Suggest in the opening paragraph of s.5.4, when “Turbot” is first referred to, also adding the more accepted common name of “Greenland Halibut”, as in: “...Turbot (also known as Greenland Halibut)”.</p> <p>3) Suggest amending s.5.4-2 to read: “The management areas for commercial fishing of Char, Turbot and Shrimp shown on Map B are hereby identified as known Valued Socio-Economic Components. (See Map B. Also refer to Figures B2.15 and B2.16.)</p> <p>4) Suggest using a more consistent approach for depicting the three commercial fish/shrimp species in Figures B2.14, B2.15 and B2.16.</p> <p>Suggest changing the title of Figure B2.14 to “Char Management Areas and Commercial Fishing Areas”, and amending the legend to read “Char Management Areas” instead of “Char Areas of Abundance”. Suggest changing the title of Figure B2.15 to “Turbot (Greenland Halibut) Management Areas” and changing the legend to read “Turbot (Greenland Halibut) Management Areas.</p>
<p>Sections 6.1 Implementation by the Commission (b), 6.1.1 Permitted Uses (b) and 6.1.2 Conformity Determinations, p. 44-45</p>	<p>1) Under Section 6.1, 1.b. currently reads that there is only one option if a project does not conform: “consider minor variances where this Plan makes provision to do so”. There is a lack of clarity as to whether the minor variance would apply to the NLUP or to the project.</p> <p>2) If a project does not conform, and a minor variance to the Plan is not provided for, 1.b. does not</p>	<p>Suggest clarifying this section to address this ambiguity.</p> <p>Suggest adding that if the project does not conform to the NLUP, the Commission will inform the proponent in writing that the project proposal does not conform, and list the 5 options the proponent has, as described in Section 6.1.2 following.</p>

	state that the Commission will inform the proponent in writing that the project proposal does not conform and available options.	
Section 6.1.2 Conformity Determinations, p. 44	There is a formatting error in the alignment of the bulleted list under Section 6.1.2. The second bullet point is not aligned correctly: "o If the proposed works....". It is not clear whether this bullet is to be read with the previous paragraph or on its own.	Edit section 6.1.2 so that the bullets are aligned correctly.
Section 6.1.7 Monitoring Project Conformity, p. 47	The third paragraph in the section deals with complaints to non-conformity, bullet c) indicates actions wherein 'the project it not operating in conformity with the act', this should likely say "may not be". There was a complaint, after which it follows that there should be an inspection or investigation to confirm compliance.	Change wording to indicate that, if there is non-compliance found, Compliance officers will be notified, or perhaps indicate that Compliance Officers will be notified of potential non-compliance to investigate
TABLES & FIGURES		
Figure 2, p. 5	Under "2. Group Key Areas", there appears to be a grammatical error in the word "geogrpahic".	Amend the Plan to reflect the proper spelling for "geographic".
Figure 3, p. 12	Figure 3 pertains to subsection 1.4.5.3 Mixed Use, but appears under subsection 1.4.6 Seasonal Restrictions.	Move Figure 3 to the appropriate subsection (i.e. 1.4.5.3).
Table 01 Migratory Bird Setbacks, p. 52-54	The text under "How to Use This Table" references directs users of the Plan to "First, consult Map A: Land Use Designations"	A reference specific to Maps A2 or A3 should be added for proponents to find the sites according to the table on p.53-54. Proposed edits for text starting on p.52: "First, consult the Map As: Land Use Designations (Map A2 for KHS zoned as LU and Map A3 for KHS zoned as CU) to identify ..."

Table 01 Migratory Bird Setbacks (FN 2), p. 52-53	The wording of the exemption set out in FN 2 is inconsistent with wording of the "safe navigation" exemption used throughout the Plan. The exemption set out in FN 2 does not exempt community resupply or emergency response. This is inconsistent with other Plan Requirements that place limitations on vessel movements.	Subject to situations in which the safety of the vessel, crew and passengers will need to come first. <u>Except for the purposes of safe navigation, community resupply or emergency response.</u>
Table 01 Migratory Bird Setbacks, p. 54	There are misspelling & corrections to be made under the table listing the names of Migratory Bird Key Habitat Sites, specifically sites 62 and 63	Correct spelling: #62 - Correct to: Nirjutiqarvik #63 - Change to: Nanuit Itillinga (formerly Polar Bear Pass) <i>Please note that these changes are reflected in Table A2, should the Commission decide to adopt the recommendation under section 2.4 of this submission.</i>
Table 05 Community Priorities and Values for Marine Areas, p. 59	We note that Cambridge Bay did not highlight any community priority and values in the Marine Areas	Please confirm that Cambridge Bay highlighted no community priority and values for marine areas.
MAPS		
Maps B1.1-2.16, pages 72-103	The scale of the VEC and VSEC maps provided in the Plan makes it difficult to see what they are depicting. For example map 1.13, 2.4 and 2.5 are scaled to the extent of the Nunavut Settlement Area, and lack the necessary detail to be effective.	Include a link or text in the Plan that states that maps B1.1-2.16 are included for illustrative purposes and include a reference to the location of the shape files on the Commission's website.
Maps A1, A2, A3 and B1.14 (related to Section 3.2.4 <i>Oceans Act</i> Proposed Marine Protected Areas)	Absence of Tuvaijuittuq Marine Protected Area on maps A1-A3 as an established protected area. Tuvaijuittuq is identified as a mixed use area on map A1 with no prohibited uses. The portion of Tuvaijuittuq Marine Protected Area located in the Nunavut Settlement Area that is show in Map B1.14 is labelled " <i>Oceans Act</i> Proposed	Please show and identify Tuvaijuittuq MPA on Maps A1 to A3 as an established protected area. Please amend the text in 3.2.4. Please amend the title of this section to read " <i>Oceans Act</i> Marine Protected Areas" (removing "Proposed"). Please amend the second paragraph of 3.2.4 as follows in bold text:

	MPAs” and not identified by name. Tuvaijuittuq is currently an <i>Oceans Act</i> MPA, and not a proposed one.	“Partly located in the Nunavut Settlement Area, the Tuvaijuittuq Marine Protected Area was designated by a ministerial order on July 29, 2019, pursuant to the <i>Oceans Act</i> . Designation by ministerial order protects the area for a period of up to five years while the Government of Canada and its partners, the Government of Nunavut and the Qikiqtani Inuit Association, determine the feasibility and desirability of long-term protection in the area. During this five-year period, activities already occurring in the MPA, such as scientific research and national defence activities, are allowed to continue and no new activities are allowed with some exceptions. Exceptions include international commitments guaranteed to foreign states such as marine navigation and the laying, maintenance and repair of cables. The Tuvaijuittuq MPA respects the rights of the Inuit in the Nunavut Settlement Area and is consistent with the Nunavut Agreement.”
Map A2	The legend identified sites 78 and 79 together as Heritage Rivers, with applicable requirement 3.2.7-1. However, the Plan identifies two separate requirements for each site: requirement 3.2.7-1 applies to the Soper River (site 78) and 3.2.7-2 applies to the Thelon and Kazan Rivers (site 79).	Amend the map A2 legend to list sites 78 and 79 separately with their respective requirements.
Map A2	Legend identifies TINMCA as proposed and spelling error	Change legend text to: NMCA awaiting full establishment -- Tallurutiup Imanga
Map A2	Duke of York Bay and Walrus Island are both labelled at site 84 in the inset table.	Change legend text to reflect appropriate site number Walrus Island.
Map A3	Polar Bear Denning is listed as site 107 under the map A3	Please confirm (and correct) denning areas are #106 on Map A3

	legend, yet shows up as site 106 in the map A3 spatial data. No site 107 are found in map A3 spatial data.	
Map B1.1	Missing the specifics of which Key Habitat Sites is included on the map	Please add numbering and names of Key Habitat Sites Class 3 as provided below (see Annex A, Table A2) (align with spatial data)
Map B1.15	Typo in Coppemine River in legend.	Please correct wording to "Coppermine River".
Map B1.1-B2.16	Parks (including Tallurutiup Imanga National Marine Conservation Area) awaiting establishment are not included on valued components maps. These areas are in final stages of establishment. While currently still subject to the NLUP, should always be identified for proponents as areas that may not remain subject to NLUP and where discussions with prospective land managers may be advisable.	Include parks / NMCA awaiting establishment on valued components maps.
Map B2.8, p. 95	The map indicates remediated and unassessed contaminated sites appears to have a few gaps; The accurate number of remediated sites are currently more than indicated on the map, and the map does not visually identify the unassessed sites. The map does not also capture contaminated sites managed by other departments aside from CIRNAC. The Commission can access the Federal Contaminated Sites Inventory https://www.tbs-sct.gc.ca/fcsi-rscf/numbers-numeros-eng.aspx?qid=716911 to get updated information on all contaminated sites in Canada and Nunavut. With the understanding that this data will continue to change over time, it is recommended that the plan	<ol style="list-style-type: none"> 1. Provide a rationale or appropriate context for the remediated sites reflected on the map e.g. " List of remediated contaminated sites as at XX-month-year from XXXXX data (source), and state that it will change over time with progressive work done on the Contaminated Sites. 2. Remove the phrase "unassessed" and revise 4.6-2 as this sites have not been visually identified on the map 3. The Commission should access the Federal Contaminated Sites Inventory to get accurate data for validation of contaminated sites with appropriate status for remediated and unassessed sites.

	contain a statement or phrase to provide this context for remediated sites with reference to date and source of data. Also, the phrase "unassessed" should also be excluded from the map to make it accurate. CIRNAC agrees that the unassessed sites does not have to be visually represented on the map.	
Map B2.10	“Aerodrome valued socio-economic component” missing for Grise Fiord.	Please add the Grise Fiord aerodrome in the spatial data for Map B2.10 or provide justification for omitting this information.
All map references in text	Map references in text do not necessarily direct readers to correct map; e.g. A reference to Map A doesn't inform the reader whether it is Map A1, A2 or A3.	Ensure map references refer the reader to the correct map, including the map numbers (e.g. maps A1-A3 or maps B1.1-2.16).
All maps	Maps need to be more clear and of higher resolution to be able to zoom in and see clearly the details of the land. This is especially the case for maps B1.1 to 2.16. Zooming in, the map layers get very pixelated and difficult to discern any of the required information.	Please provide maps with better resolution, particularly those that are in the Plan document (i.e.
GIS Files	The areas for Parks Canada protected areas (i.e. National Parks, National Historic Sites, etc.) appear to be ‘blank / no data’ areas in the Commission’s GIS files, rather than individual polygons/areas designated as ‘National Parks’, etc..	Metadata should be added to the Commission’s GIS files so users and reviewers can clearly identify what the "blank/no data" areas are. Parks Canada is providing GIS files to the Commission with the required information.
GIS Files and all maps	An older version of the Auyuituq National Park boundary appears to have been used.	The current and correct version of the Auyuituq National Park boundary, as provided by Parks Canada, should be used.
APPENDICES		

<p>Appendix B: Definitions, p. 68</p>	<p>The definition of contaminated sites is inaccurate as it currently reads: "contaminated site means an area of land that a regulatory authority has determined is contaminated under applicable laws relating to the regulation of substances or products, including hazardous waste or dangerous goods, and the protection of the environment".</p>	<p>The definition or description of contaminated sites should be revised. The plan cites Treasury Board of Canada on page 37 section 4.6, therefore CIRNAC recommends that the Commission use the Treasury Board definition of contaminated sites for consistency of reference:</p> <p>A contaminated site is "one at which substances occur at concentrations (1) above background (normally occurring) levels and pose or are likely to pose an immediate or long term hazard to human health or the environment, or (2) exceeding levels specified in policies and regulations."</p>
<p>Appendix B: Definitions, p. 69</p>	<p>The description of Distant Early Warning Line is does not functionally identify what they are. The definition that is used within the Contaminated Sites Division is as follows: "Distant Early Warning (DEW) Line Stations were used in the 1950s and 1960s to communicate messages across the North and overseas. With new technology they were rendered obsolete, and some were abandoned in the 1960s. Crown-Indigenous Relations and Northern Affairs Canada, and the Department of National Defence are responsible for remediating these sites."</p>	<p>Consider more functional description of DEW line. E.g. "Distant Early Warning Line stations used in the 1950s and 1960s to communicate messages across the North and overseas through radar"</p>
<p>Appendix B: Definitions, p. 69</p>	<p>Amend NMCA definition</p>	<p>Amend definition to be consistent with national park definition. national marine conservation area is a marine area as defined in subsection 4(1) of the <i>Canada National Marine Conservation Areas Act</i>: established for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of</p>

		the people of Canada and the world. It is managed and used in sustainable manner and includes at least one fully protected zone. It includes the seabed, water column and may include terrestrial components such as islands, coastal areas, and estuaries.
Appendix B: Definitions, p. 69	Add definition for NMCA awaiting full establishment -- to be consistent with national and territorial park definitions.	national marine conservation area awaiting full establishment is an area awaiting establishment under the <i>Canada National Marine Conservation Areas Act</i> for which an Inuit Impact and Benefit Agreement has been signed.
Appendix B: Definitions, p. 70	<p>The current definition of remediation states that this “is the process of restoring an area of land as nearly as possible to the same condition as it was prior to the commencement of the land use ...”. This definition appears to define reclamation.</p> <p>Government of Canada considers remediation as "the improvement of a contaminated site to prevent, minimize or mitigate damage to human health or the environment. Remediation involves the development and application of a planned approach that removes, destroys, contains or otherwise reduces the availability of contaminants to receptors of concern".</p>	Consider CIRNAC's description: “The removal, reduction or neutralization of substances, wastes or hazardous material from a site to prevent or minimize any adverse effects on the environment or public safety.”

Annex A – Migratory Bird Key Habitat Sites

Table A1. Migratory Bird Key Habitat Sites Missing from the NLUP 2021 Draft.

Site Name	Included in 2016 Map Book	Included in 2004/2018 marine or 2008 terrestrial publications	Comments
Eastern Jones Sound	yes – highly risk intolerant	yes - marine	-overlap with TINMCA Limited Use area – 2021 Draft NLUP spatial data site not identified separately as a Class 1 site – 2021 Draft NLUP Table 01 site not included in setbacks table -O&R Appendix B1.1 pg. 541 ‘Additional Considerations’ refer to site being within TINMCA – ‘Condition’ states setbacks in Table 2 apply
Cape Liddon	yes – moderately risk intolerant	yes – separate marine and terrestrial sites	-overlap with TINMCA Limited Use area – not identified separately as a Class 2 site (not included in setbacks table) -O&R Appendix B1.3 pg. 554 ‘Additional Considerations’ refer to site being within TINMCA – ‘Condition’ states setbacks in Table 2 apply
Hobhouse Inlet	yes – highly risk intolerant	yes – separate marine and terrestrial sites	-overlap with TINMCA Limited Use area – not identified separately as a Class 1 or 2 site (not included in setbacks table) -O&R Appendix B1.1 pg. 545 ‘Additional Considerations’ refer to site being within TINMCA – ‘Condition’ states setbacks in Table 2 apply
Eastern Lancaster Sound	yes – highly risk intolerant	yes - marine	-overlap with TINMCA Limited Use area – not identified separately as a Class 1 site (not included in setbacks table) -O&R Appendix B1.1 pg. 542 ‘Additional Considerations’ refer to

Site Name	Included in 2016 Map Book	Included in 2004/2018 marine or 2008 terrestrial publications	Comments
			site being within TINMCA – ‘Condition’ states setbacks in Table 2 apply
Baillarge Bay	yes – highly risk intolerant within and outside of Sirmilik NP	yes – separate marine and terrestrial sites	-overlap with TINMCA Limited Use area – area outside Sirmilik NP not identified separately as a Class 1 site (not included in setbacks table) -O&R Appendix B1.1 pg. 536 ‘Additional Considerations’ refer to site being within TINMCA – ‘Condition’ states setbacks in Table 2 apply
Cape Graham Moore (outside Bylot Island MBS)	yes – moderately risk intolerant	yes – separate marine and terrestrial sites	-overlap with TINMCA Limited Use area – area outside Bylot Island MBS not identified separately as a Class 2 site (not included in setbacks table) -O&R Appendix B1.1 pg. 553 ‘Additional Considerations’ refer to site being within TINMCA – ‘Condition’ states setbacks in Table 2 apply
Cape Hay (outside Bylot Island MBS)	yes – moderately risk intolerant	yes – separate marine and terrestrial sites	-overlap with TINMCA Limited Use area – area outside Bylot Island MBS not identified separately as a Class 2 site (not included in setbacks table) -O&R Appendix B1.1 pg. 554 ‘Additional Considerations’ refer to site being within TINMCA – ‘Condition’ states setbacks in Table 2 apply
Cornwallis Island	no (not included in 2021 DNLUP or on the Commission’s interactive maps for the 2016 draft NLUP) -site not included in the O&R Appendix B1	no	-IVGU CH (SAR-E) -observations from Gilchrist and Mallory 2005 in surveys conducted 2002 and 2003 found gulls at Cornwallis Island site -Cornwallis Island site is included as CH in the IVGU RS

Table A2. List of Migratory Bird Key Habitat Sites (KHS) with their associated setbacks corrected

Environment and Climate Change Canada has reviewed the setbacks for KHS and recommends that the Commission replaces part 2 of Table 01 in the 2021 Draft Plan (p.53-54) with Table A2 below. The table also includes missing Class 1 and 2 sites overlapped by the proposed TINMCA, as identified in Table A1, and missing Ivory Gull Site on Cornwallis Island, and Class 3 sites. Class 3 sites should be included for clarity in the main spatial data available for download on the Commission's registry and on Map A1 as they do meet the criteria for Highly and Moderately Risk Intolerant sites and do need to be considered during Environmental Assessments. In addition, some Class 3 sites may require higher levels of protection or require setbacks in the future, once the appropriate survey data is collected.

ID	Name	Setbacks	Class
1	Buchan Gulf	Aerial, Marine, Terrestrial (All Seabirds)	Class 1
2	Creswell Bay	Aerial (Coastal Waterfowl and Seaducks), Marine (All Seabirds), Terrestrial (All Migratory Birds)	Class 1
3	East Axel Heiberg Island	no setbacks recommended	Class 1
4	Markham Bay	Aerial, Marine (Coastal Waterfowl and Seaducks)	Class 1
5	Nordenskiöld Islands	Aerial, Terrestrial, Marine (Coastal Waterfowl and Seaducks)	Class 1
6	Rasmussen Lowlands	Aerial, Marine, Terrestrial (All Migratory Birds)	Class 1
7	Cheyne Islands	Aerial (All Migratory Birds), Marine (Coastal Waterfowl and Seaducks) (All Seabirds), Terrestrial (All Seabirds)	Class 1
8	Abbajalik and Ijutuk Islands	Aerial, Marine, Terrestrial (All Seabirds)	Class 1
9	Nasaruvaalik Island	Aerial, Marine, Terrestrial (All Seabirds) (Coastal Waterfowl and Seaducks)	Class 1
10	Great Plain of the Koukdjuak (outside Dewey Soper [Isulijaqniq] MBS)	Aerial (All Migratory Birds), Marine, Terrestrial (Coastal Waterfowl and Seaducks)	Class 1
11	Foxe Basin (Prince Charles, Air Force, Foley Islands)	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	Class 1
12	Kagloryuak River Valley	Aerial, Terrestrial (All Migratory Birds)	Class 1
13	Cape Searle / Reid Bay (outside Akpait and Qaqulluit NWA's)	Aerial, Marine, Terrestrial (All Seabirds)	Class 1

ID	Name	Setbacks	Class
14	Lambert Channel	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	Class 1
15	Bathurst and Elu Inlets	Aerial (All Migratory Birds), Marine, Terrestrial (Coastal Waterfowl and Seaducks)	Class 1
16	North Water Polynya	Aerial, Marine (All Seabirds)	Class 1
17	Sleeper Islands	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	Class 1
18	Belcher Islands	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	Class 1
19	Inglefield Mountains	Aerial (All Seabirds), Terrestrial (Ivory Gull)	Class 1
20	Eastern Devon Island	Aerial (All Seabirds), Marine (Ivory Gull), Terrestrial (Ivory Gull)	Class 1
21	Northwestern Brodeur Peninsula	Aerial (All Seabirds), Terrestrial (Ivory Gull)	Class 1
22	Fosheim Peninsula	no setbacks recommended	Class 1
23	Grinnell Peninsula	Aerial (All Seabirds), Terrestrial (Ivory Gull)	Class 1
To Be Included			
	Eastern Jones Sound	Aerial, Marine, Terrestrial (All Seabirds)	Class 1
	Hobhouse Inlet	Aerial, Marine, Terrestrial (All Seabirds)	Class 1
	Eastern Lancaster Sound	Aerial, Marine (All Seabirds)	Class 1
	Baillarge Bay (outside Sirmilik NP)	Aerial, Marine, Terrestrial (All Seabirds)	Class 1
	Cornwallis Island	Aerial (All Seabirds), Terrestrial (Ivory Gull)	Class 1
To Be Excluded			
52	Bylot Island MBS	Aerial, Marine, Terrestrial (All Seabirds)	MBS
53	Dewey Soper (Isulijaqniq) MBS	Aerial (All Migratory Birds), Marine, Terrestrial (Coastal Waterfowl and Seaducks)	MBS
54	East Bay (Qaqsauqtuuq) MBS	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	MBS
55	Harry Gibbons (Ikkattuaq) MBS	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	MBS

ID	Name	Setbacks	Class
56	McConnell River (Kuugaarjuk) MBS	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	MBS
57	Prince Leopold Island MBS	Aerial, Marine, Terrestrial (All Seabirds)	MBS
58	Queen Maud Gulf (Ahiak) MBS	Aerial, Marine (All Migratory Birds) (Coastal Waterfowl and Seaducks), Terrestrial (Coastal Waterfowl and Seaducks)	MBS
59	Seymour Island (Nauyavaat) MBS	Aerial, Marine (All Seabirds), Terrestrial (Ivory Gull)	MBS
60	Akpait NWA	Aerial, Marine, Terrestrial (All Seabirds)	NWA
61	Ninginganiq NWA	Aerial, Marine, Terrestrial (All Migratory Birds)	NWA
62	Nirjutiqarvik NWA	Aerial, Marine, Terrestrial (All Seabirds)	NWA
63	Nanuit Itillinga (formerly Polar Bear Pass) NWA	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	NWA
64	Qaqulluit NWA	Aerial, Marine, Terrestrial (All Seabirds)	NWA
96	Frobisher Bay	Aerial, Marine, Terrestrial (All Seabirds) (Coastal Waterfowl and Seaducks)	Class 2
97	Hell Gate and Cardigan Strait	Aerial (All Seabirds) (Coastal Waterfowl and Seaducks), Marine, Terrestrial (All Seabirds)	Class 2
98	Prince Leopold Island (outside MBS)	Aerial, Marine, Terrestrial (All Seabirds)	Class 2
99	Scott Inlet	Aerial, Marine, Terrestrial (All Seabirds)	Class 2
100	North Spicer Island	Aerial, Marine, Terrestrial (Coastal Waterfowl and Seaducks)	Class 2
101	Seymour Island (outside MBS)	Aerial (All Seabirds), Terrestrial (Ivory Gull)	Class 2
102	Middle Back River	Aerial, Terrestrial (All Migratory Birds)	Class 2
To Be Included			
	Cape Liddon	Aerial, Marine, Terrestrial (All Seabirds)	Class 2
	Cape Graham Moore (outside Bylot Island MBS)	Aerial, Marine, Terrestrial (All Seabirds)	Class 2
	Cape Hay (outside Bylot Island MBS)	Aerial, Marine, Terrestrial (All Seabirds)	Class 2

ID	Name	Setbacks	Class
To Be Included			
	Adelaide Peninsula	VEC, no setbacks recommended	Class 3
	Boas River (Outside Harry Gibbons [Ikkattuaq] MBS)	VEC, no setbacks recommended	Class 3
	Coats Island Lowlands	VEC, no setbacks recommended	Class 3
	Frozen Strait	VEC, no setbacks recommended	Class 3
	McConnell River (Outside MBS)	VEC, no setbacks recommended	Class 3
	Melbourne Island	VEC, no setbacks recommended	Class 3
	Sabine Peninsula	VEC, no setbacks recommended	Class 3
	Southeastern Victoria Island	VEC, no setbacks recommended	Class 3
	Western Cumberland Sound	VEC, no setbacks recommended	Class 3

Annex B – Projects with existing rights and interests omitted

The following table lists projects with mineral tenure that were not included in the 2021 Draft Plan’s existing rights and interests spatial data or were not listed under *Appendix A: Existing Rights*, or both. The column entitled “Intersection Area” shows the amount of hectares of overlap between the project area and the Limited Use area.

Project Name	Owner	Intersection Area (Ha)	Overlapping Limited Use designation name (site #)
Beluga	TBG Construction Ltd.	3.23	Future Territorial Parks (42)
Beluga	TBG Construction Ltd.	185.17	Future Territorial Parks (43)
Baffin Gold	ValOre Metals Corp.	28.26	Priority Contaminated Sites (91)
Baffin Gold	ValOre Metals Corp.	1,654.76	Military Facilities and Infrastructure (92)
Qilq	Peregrine Diamonds Ltd.	103.10	Cumberland Sound Turbot Management Area (95)
Storm and Seal	Aston Bay Holdings Inc.	1,527.02	Key Migratory Bird Habitats - Class 1 (2)
Storm and Seal	Aston Bay Holdings Inc.	76,524.75	Caribou Calving (25)
Storm and Seal	Aston Bay Holdings Inc.	0.30	Key Migratory Bird Habitats - Class 1 (2)
Storm and Seal	Aston Bay Holdings Inc.	0.30	Caribou Calving (25)
Polaris Mine Site	Teck Mining Worldwide Holdings Ltd.	310.33	Walrus Haulout (30)
StrategX North	StrategX Elements Corp.	270.80	Community Area of Interest - Sanirajak (80)
Tao Song Roche Bay	Tao Song	183.26	Community Area of Interest - Sanirajak (80)
StrategX Mel	StrategX Elements Corp.	8,540.43	Caribou Calving (25)
Kiggavik	Urangesellschaft Canada Limited	812.41	Kivalliq-Manitoba Linear Infrastructure (93)
Geomark Exploration	Geomark Exploration Ltd.	5.01	Kivalliq-Manitoba Linear Infrastructure (93)
Geomark Exploration	Geomark Exploration Ltd.	968.03	Kivalliq-Manitoba Linear Infrastructure (93)
Robert A Van Egmond	Platinum Group Metals Ltd.	35.87	Caribou Post-Calving (26)

Robert A Van Egmond	Platinum Group Metals Ltd.	968.03	Kivalliq-Manitoba Linear Infrastructure (93)
Robert A Van Egmond	Platinum Group Metals Ltd.	56.86	Caribou Post-Calving (26)
Robert A Van Egmond	Platinum Group Metals Ltd.	56.86	Future Territorial Parks (36)
Hudbay Minerals	Hudbay Minerals Inc.	75.61	Caribou Post-Calving (26)
Quartzite	Silver Range Resources Ltd.	368.06	Caribou Calving (25)
Quartzite	Silver Range Resources Ltd.	606.46	Caribou Key Access (24)
Cache	Trevor Boyd	15,022.07	Caribou Post-Calving (26)
Cache	Trevor Boyd	1,211.53	Caribou Calving (25)
Cache	Trevor Boyd	3,925.16	Caribou Key Access (24)
RB	1233719 BC LTD.	5,136.34	Caribou Key Access (24)
RB	1233719 BC LTD.	5,363.65	Caribou Calving (25)
SY	William Love	2,772.66	Caribou Post-Calving (26)
Tukaq Gold	Corrine Tugak, Agnico Eagle Mines Limited	11,252.72	Caribou Freshwater Crossings (27)
Tukaq Gold	Corrine Tugak, Agnico Eagle Mines Limited	468.56	Caribou Post-Calving (26)
1233719 BC LTD. East	1233719 BC LTD.	4,665.10	Caribou Key Access (24)
1233719 BC LTD. East	1233719 BC LTD.	718.51	Caribou Calving (25)
1233719 BC LTD. East	1233719 BC LTD.	6,087.78	Caribou Post-Calving (26)
1233719 BC LTD. East	1233719 BC LTD.	20,321.91	Caribou Freshwater Crossings (27)
1233719 BC LTD. East	1233719 BC LTD.	468.56	Caribou Post-Calving (26)
1233719 BC LTD. West	1233719 BC LTD.	79,322.83	Caribou Calving (25)
1233719 BC LTD. West	1233719 BC LTD.	286.77	Caribou Freshwater Crossings (27)
1233719 BC LTD. West	1233719 BC LTD.	297.29	Caribou Calving (25)
Noomut	Silver Range Resources Ltd.	793.64	Caribou Calving (25)
Noomut	Silver Range Resources Ltd.	297.29	Caribou Calving (25)
Yandle	Silver Range Resources Ltd.	2,968.98	Caribou Calving (25)
Yandle Sobie	Paul A. Sobie	2,465.48	Caribou Calving (25)
Yandle Sobie	Paul A. Sobie	290.20	Caribou Post-Calving (26)

Boyd Permit	Trevor Boyd	15,422.61	Caribou Post-Calving (26)
Pelly Bay Sobie	Paul A. Sobie	2,518.40	Caribou Calving (25)
Pelly Bay Sobie	Paul A. Sobie	2,173.21	Caribou Post-Calving (26)
Pelly Bay Sobie	Paul A. Sobie	145.40	Community Water Source Watershed (90)
Pelly Bay Sobie	Paul A. Sobie	13.66	Military Facilities and Infrastructure (92)
Hope Bay Oro	North Arrow Minerals Inc.	1,463.14	Key Migratory Bird Habitats - Class 1 (15)