



JOINT NTI – RIA SUBMISSION REGARDING THE DNLUP 2021

Dated: October 13, 2021

INTRODUCTION

Nunavut Tunngavik Incorporated (NTI) and the three Regional Inuit Associations (RIAs) are providing this preliminary written submission to the Nunavut Planning Commission (Commission) on the Draft Nunavut Land Use Plan (DNLUP) 2021. On July 23, 2021, NPC opened the record on the DNLUP and requested all parties to provide written submissions on the DNLUP 2021 by September 30, 2021 and set dates for regional public hearings in the first and third weeks of November in Rankin Inlet and Cambridge Bay respectively. The Commission did not consult participants on the schedule. On September 14, 2021, NTI and the RIAs requested an extension for written submissions and a postponement of the public hearing in Rankin Inlet (and Thompson) to ensure that Inuit are fully informed of the DNLUP 2021 before the regional hearings and to ensure active participation in the land use planning process. In its reply on September 17, 2021, the Commission allowed a one-week extension for written submissions (until October 8, 2021) and indicated that a postponement of the scheduled hearing was not possible due to timing and resource ramifications.

This submission provides preliminary comments on the DNLUP 2021 and the land use planning process. More detailed submissions and proposals will be tabled with the Commission as they are developed. In addition to joint submissions, each RIA will be making individual submissions. Silence on a particular topic area or designation does not mean that NTI and the RIAs do not have submissions on the land use planning proposal, but that it is still under review and consideration. The DNLUP 2021 contains substantial new content and designations, particularly for the Qikiqtani region, requiring further evaluation and response. Moreover, many recommendations made by NTI and RIAs on land use designations have been rejected by the Commission and we are assessing alternative proposals that address Inuit concerns and aspirations. As the Commission has indicated that the record will not close until forty days after the last regional public hearing takes place, submissions should be accepted and considered by

the Commission while the record is open. Indeed, it will be impossible for NTI and RIAs to develop and share a full joint submission prior to the start of the scheduled hearings and it is critical that the Commission provide direction and clarity to all participants that it will consider submissions that are provided after the October 8, 2021 submission deadline.

Unless indicated otherwise in this submission, the previous joint submissions of NTI and RIAs, as well as previous submissions of each RIA, continue to reflect the views of NTI and the RIAs regarding land use planning issues.

PART 1: OBJECTION, IOLs, INUIT RIGHTS AND CONSULTATIONS

Objection – Regional Public Hearings

NTI and the RIAs object to the regional public hearings proceeding the weeks of November 1st in Thompson and Rankin Inlet and the week of November 23 in Cambridge Bay. At this juncture, the Commission is not fulfilling *Nunavut Agreement* obligations including the requirement at 11.2.1 (d) that states:

planning process shall provide an opportunity for the active and informed participation and support of Inuit and other residents affected by the land use plan; such participation will be promoted through various means, including ready access to all relevant materials, appropriate and realistic schedules.

As of October 7, 2021, the DNLUP 2021, the Options and Recommendations document, and several maps are not available in Inuktitut. On October 5, 2021, the Commission made the Executive Summary of the DNLUP 2021 available in Inuktitut, but not in Inuinnaqtun. It is unacceptable for the Commission to set a deadline of October 8, 2021 for written submissions, as well as regional public hearing dates when materials have not yet been made available in Inuktitut and the materials are only available electronically. Many Inuit have limited access to the electronic materials and require paper copies of the land use planning documents and maps to provide for informed participation in the land use planning process. Our understanding is that paper copies of the DNLUP 2021, related documents and maps are only being made available in limited circumstances. This falls short of the obligation to provide relevant materials to ensure the informed participation of Inuit in the land use planning process. Ready access to all relevant materials must include access to key land use planning documents in Inuktitut and in appropriate formats. Inuit also require a reasonable amount of time to review and understand the materials once they have access to them in Inuktitut as a foundation for preparing informed oral and written submissions. With less than a month to the start of the scheduled regional public hearings:

- Inuit do not have access to the DNLUP 2021 and key documents in Inuktitut and these documents are only available electronically creating a significant barrier for many Inuit;
- Inuit do not have access to all of the mapping information as relevant information for some designated sites requiring reviewing GIS shape files;
- Inuit have not been afforded enough time to fully review the content of the DNLUP 2021, the new proposed designations, maps or planning rationale in the lengthy Options and Recommendations document; and

- Inuit have not been afforded enough time to adequately consider and prepare their views and submissions for the regional public hearings.

The timeline put forward by the Commission is not realistic given the complexity of the land use planning proposals, maps and documents released in July 2021, the lack of access to the materials in Inuktitut and in non-electronic formats, and the level of potential impacts on Inuit rights from the land use planning proposals. Proceeding with the regional public hearings in November will not provide adequate consultation with Inuit on the DNLUP 2021 or produce a subsequent draft of the NLUP reflecting the priorities and values of Inuit. Holding two regional public hearings in November is premature.

Inuit Owned Lands (IOLs) and Inuit Rights

NTI and the RIAs do not accept the level of constraint placed over their control of IOLs in the 2021 DNLUP and the adverse impact on the Inuit right to manage IOLs. Overall, approximately 50% of subsurface IOLs and 48% surface IOLs fall within NPC designations. These percentages are higher for surface IOLs in the Kitikmeot region (53%) and in the Kivalliq region (57%). In the case of proposed Limited Use areas, approximately 32% of subsurface IOLs and 33% of surface IOLs fall within this designation. The *Nunavut Agreement* rights to Inuit land ownership and management is a fundamental aspect of Inuit self determination and imperative to achieving Inuit self-sufficiency as envisioned in the *Nunavut Agreement*.

The *Nunavut Agreement* provides 18% of Nunavut lands in fee simple surface title that are held by the RIAs and 1.8% of subsurface title held by NTI. The primary purpose of IOLs is set out in section 17.1.1 of the *Nunavut Agreement* that states:

Inuit Owned Lands shall be to provide Inuit with rights in land that promote economic self-sufficiency of Inuit through time in a manner consistent with Inuit social and cultural needs and aspirations.

Achieving Inuit social and cultural needs and aspirations requires both providing for the long-term health and well-being of Nunavut's wildlife that Inuit rely upon and supporting economic opportunities. In its land use planning submissions, NTI and the RIAs have advocated and continue to advocate for a planning approach that balances maintaining healthy wildlife populations capable of sustaining Inuit harvesting needs with minimal impairment of Inuit rights including the right of NTI and the RIAs to manage IOLs for the benefit of Inuit. The DNLUP 2021 does not provide for a balanced approach and significantly impacts Inuit land and management rights over IOLs, thereby failing to respect section 17.1.1 of the *Nunavut Agreement*.

DNLUP Requirements for IOLs

Section 11.8.2 of the *Nunavut Agreement* states that:

The land use planning process shall apply to Inuit Owned Lands. Land Use plans shall take into account Inuit goals and objective for Inuit Owned Lands.

Section 11.8.2 sets out that land use planning applies over IOLs and that land use plans must take into account Inuit goals and objectives. The obligation at section 11.8.2 is not just procedural, but also substantive.

Procedural Obligation: To meet the procedural obligation, the Commission must consult directly with the RIAs and NTI as the Designated Inuit Organizations (DIOs) who hold land rights in IOLs and the Commission cannot rely exclusively on the submissions of community members and other Inuit organizations to assess Inuit goals and objectives for IOLs.

Substantive Obligation: To meet the substantive obligation, the Commission must ensure that the content of the DNLUP is significantly shaped by Inuit objectives and goals for IOLs, and in particular those of NTI and RIAs. The submissions of NTI and the RIAs must have a substantive impact on the content of the final land use plan because NTI and the RIAs are the organizations holding the land rights on behalf of Inuit, are constituted and mandated under the *Nunavut Agreement* to represent Inuit, and are accountable to and democratically controlled by Inuit.

To summarize:

- i. Under Article 11.8.2, land use plans *must* “take into account Inuit goals and objectives for Inuit Owned Lands”.
- ii. To take into account Inuit goals and objectives for IOLs and incorporate them into the DNLUP, the Commission must receive, develop a solid understanding of, and give especially serious consideration to the views of NTI and the RIAs on IOLs.
- iii. The content of the final NLUP must be significantly shaped by, and adequately, reflect Inuit goals and objectives for Inuit Owned Lands, particularly those expressed by NTI and the RIAs.

Overall Consultation Requirements

The *Nunavut Agreement* and the *Nunavut Planning and Project Assessment Act* (NuPPAA) requires the Commission to consult with the DIOs and Inuit in several instances. The *Nunavut Agreement* requires at subsection 11.2.1 (c) that “land use plans reflect the priorities and values of the residents of the planning region” the vast majority of whom are Inuit. NuPPAA at subsection 50(2) requires that:

The Commission must solicit written and oral comments on the draft land use plan from appropriate departments or agencies, appropriate designated Inuit organizations, affected municipalities, interested corporations and organizations, Inuit and other residents of the designated area and the general public. [emphasis added]

In accordance with subsection 51(1) of NuPPAA, the public hearing must be held “[a]fter allowing a reasonable period for the submission of comments on the draft land use plan.” The Commission has not allowed for a reasonable period of time to garner comments on the DNLUP 2021.

The Commission’s consultation requirements on the DNLUP with NTI and the RIAs are deep given the potential impacts on Inuit rights including land ownership and management, access and

harvesting rights. The Commission's consultation obligations are more rigorous than the common law duty to consult, which is largely procedural. As discussed, Inuit land ownership and management rights require the Commission to substantively address Inuit views and ensure that the content of the DNLUP is significantly shaped by Inuit goals and objectives as expressed by NTI and the RIAs, who are the rights holders and managers of IOLs on behalf of Inuit. As discussed, Inuit land ownership and management rights require the Commission to substantively address Inuit views and ensure that the content of the DNLUP is significantly shaped by Inuit goals and objectives as expressed by Inuit participants and, in particular, as expressed by NTI and the RIAs, who hold the land rights and manage the IOLs on behalf of Inuit.

At the 2019-2020 community engagement sessions in the Kivalliq and Kitikmeot Regions, the Commission prohibited representatives of NTI and the RIAs from speaking or answering questions at the community engagement sessions and only allowed them to participate as observers. As the landowners and managers of IOL, NTI and the RIAs were best placed to address impacts of the proposed designations in the DNLUP 2016 on IOLs with community members and the Commission's approach impeded an open and in-depth discussion on potential impacts. As a result, the Commission did not sufficiently explore Inuit goals and objectives for IOLs and this is a gap in the record. Consultation requirements on Inuit goals and objectives have not been met by the Commission.

Commission's Consultation Process Requirements Going Forward

The Commission's consultation process must ensure Inuit and the Commission have a mutual understanding of the potential impacts of the land use planning proposals in the DNLUP 2021 and potential accommodations for Inuit rights including Inuit rights over lands (IOLs), access and harvesting. Additionally, the Commission must receive and seriously consider Inuit feedback regarding the consultation process, including on timelines and relevant materials. The consultation process must result in meaningful exchanges and requires:

- reasonable timeframes for making submissions, testing evidence and formally participate;
- sharing with participants, in a timely way, all information needed to support informed participation, including sharing all information and documents that may inform the DNLUP 2021 as well as answering participant questions aimed at understanding the DNLUP 2021;
- accessibility of key land use planning documents in Inuktitut;
- participant funding or other supports for participants;
- hearings that allow for oral submissions;
- substantive answers to basic questions about the impacts of proposals on Inuit rights; and
- written reasons explaining how the Commission considered and addressed concerns regarding Inuit rights.

Regarding land use planning proposals on IOLs, consultation requires the Commission to be genuinely receptive to Inuit goals, objectives, and land designation proposals, including by taking the following steps for Inuit proposals:

- taking the time to understand Inuit input and seeking clarifications as needed,
- sharing any questions or concerns with Inuit proposals and providing a meaningful opportunity for response,

- seeking to resolve any Commission concerns with Inuit proposals through dialogue, and
- seeking to reach consensus with Inuit on appropriate land use designations.

At this time, the Commission is failing to provide the rigorous consultation process envisioned in the *Nunavut Agreement* and NuPPAA by not providing for reasonable timeframes, accessible materials in Inuktitut in non-electronic formats, or the opportunity for Inuit participants to formally ask the Commission questions regarding the DNLUP 2021 and receive substantive responses before proceeding to the regional public hearings. Furthermore, by neglecting to consult directly with NTI and the RIAs, the Commission is not fulfilling its obligation to “take into account Inuit goals and objectives for Inuit Owned Lands” under section 11.8.2 of the *Nunavut Agreement*. The Commission must promptly address all these procedural problems in order to meet its *Nunavut Agreement* obligations including the obligation to deliver a land use plan that significantly incorporates Inuit goals and objectives for IOLs.

PART 2: PRELIMINARY RESPONSES ON SPECIFIC DNLUP 2021 CONTENT

2.1 Key Migratory Bird Habitat Sites

NTI and the RIAs are reviewing the Commission’s proposal to place Class 1 migratory bird habitat sites in Limited Use areas and Class 2 migratory bird habitat sites in Conditional Use areas. NTI and the RIAs oppose the level of impact on IOLs from these designations and are assessing alternative approaches to achieving protection for migratory birds.

In previous submissions, NTI and the RIAs proposed to place the equivalent of Class 1 migratory bird habitat in “Special Management Areas”, now referred to as “Conditional Use” areas and these submissions have been rejected by the Commission. NTI and the RIAs note that the Commission has generally dismissed the proposals to place habitat in a Special Management/Conditional Use designation when specific terms and conditions were not proposed. NTI and the RIAs will take this under consideration in preparing our subsequent responses and proposals.

The previous submissions of NTI and the RIAs are still relevant to this topic area until NTI and the RIAs table any new proposals.

2.2 Caribou

Caribou are of great significant to Inuit and NTI and the RIAs are committed to including caribou protection measures in the NLUP. As stated in previous submissions, NTI and the RIAs support regional approaches to protecting caribou habitat. The DNLUP 2021 addresses this issue in part with new caribou designations proposed in the Qikiqtani region that are under review. However, NTI and the RIAs consider that further land use planning measures are required to address the significant regional differences with respect to caribou populations.

The caribou designations and proposed Plan Requirements for exempting “existing rights” as described in section 6.1.8 of the DNLUP 2021 will impact the extent of caribou protection and

require further review by NTI and the RIAs. NTI and the RIAs may provide further submissions on the caribou land use planning proposals jointly or individually.

On specific caribou designations, NTI and the RIAs have the following comments:

- There are two Plan Requirements for caribou calving areas, caribou post-calving areas and caribou key access corridors that are designated as Limited Use areas: the first Plan Requirement prohibits activities including oil and gas exploration, mineral exploration and production, quarries and linear infrastructure while the second Plan Requirement states:

Project proponents must cease all uses in those areas, except research and tourism related to caribou conservation, during the dates set out in Table 2: Caribou Seasonal Restrictions.

It is unclear which “project proponents” are being referred to, why this exception is being given, why research and tourism are treated differently, or how this exception impacts on the protection of caribou. If this exception is related to the preservation of rights under NuPPAA, this is not clear or transparent in the DNLUP 2021 or in the Options and Recommendations document. The current approach in the DNLUP 2021 is confusing and requires substantial revision.

- We note that the Commission does not appear to have taken into consideration the detailed analysis and recommendations for post-calving areas provided by NTI and the RIAs in 2017 in “Appendix A: Comments and Recommendations for Mainland Migratory Caribou Post-Calving Areas in the Draft Nunavut Land Use Plan 2016”. The analysis and recommendations contained within the submission are not considered in the Options and Recommendations document. Specifically, the submission states:

While post-calving areas are important seasonal components of the ranges of mainland migratory caribou herds, the impact of activities on caribou during the post-calving period is likely reduced due to movement and dispersion. That being said, resource-selection models have suggested that anthropogenic disturbance during the post-calving period could significantly both reduce high-quality habitats, and increase low-quality habitats of barren-ground caribou (Johnson et al., 2005). The significance of post-calving areas warrants their management, but they should be managed with tools that are commensurate with the potential impacts of specific land use activities on caribou populations.

NTI’s Department of Wildlife and Environment recommends that the post-calving areas of mainland migratory barren-ground caribou be designated as ‘Special Management Areas’, and that related land use proscriptions focusing on caribou protection and mitigation be regionally developed, in consultation with the relevant RIAs, Regional Wildlife Organizations (RWOs), and HTOs. These land use proscriptions should seek to accommodate population-specific requirements.

NTI will seek to elaborate on this recommendation in discussion with the RIAs, Regional Wildlife Organizations (RWOs) and Hunters and Trappers Organizations (HTOs) to the extent possible.

In summary, the previous submissions of NTI and the RIAs are still relevant to caribou land use planning measures until NTI and the RIAs table any new proposals.

2.3 Polar Bear Denning Areas

NTI and the RIAs generally support polar bear denning areas being placed in the Conditional Use area designation and will provide final submissions after considering the views of RWOs and HTOs, as well as other participants regarding the designation, its geographic boundaries and proposed terms and conditions.

2.4 Walrus Terrestrial Haul-Outs

NTI and the RIAs generally support walrus terrestrial haul-out areas being placed in a Limited Use area designation and are examining the additional areas proposed to be included in the designation and may have further submissions. NTI and the RIAs will be considering the views of the RWOs and HTOs, as well as other participants regarding the designation, its geographic boundaries and proposed terms and conditions. One issue that requires more feedback is the impact of the terms and conditions on Inuit with small boats that may require access to walrus haul-out sites for commercial activities.

2.5 Whale Calving Areas

NTI and the RIAs are reviewing the designation proposals for Beluga calving areas, as well as Bowhead and Narwhal calving areas and will be preparing further submissions once a number of questions are answered and there has been an opportunity to consider the submissions of the RWOs, HTOs and other participants. On a preliminary basis NTI and the RIAs have questions on:

- Whether the proposed boundaries of the whale calving areas are correct?
- Why IOL is impacted as set out in the Options and Recommendations document if the designations are marine designations?
- Why the Bowhead and Narwhal calving designation does not include terms and conditions that address the operation of vessels within those calving areas like what has been proposed for Beluga calving areas?

2.6 Transboundary Considerations: Sarvarjuaq (North Water) Polynya

NTI and the Qikiqtani Inuit Association (QIA) are reviewing this designation and will provide further comments at a later time taking into consideration the submissions of the Qikiqtaaluk Wildlife Board (QWB), HTOs and other participants. One question that arises from the review of the DNLUP 2021 and Options and Recommendations document is whether the Qikiqtaaluk Wildlife

Board's recommendation to expand the boundaries of the Sarvarjuaq Polynya were acted upon by the Commission? It is unclear from the written record the extent of the boundaries for the proposed Sarvarjuaq Polynya Conditional Use area.

2.7 Future Parks

The previous submissions of NTI and the RIAs continue to apply to the new proposed Limited Use area designation for future parks and we recommend that the designation be changed to a Conditional Use area designation with terms and conditions. NTI and the RIAs plan to provide further submissions on this topic including recommendations on appropriate terms and conditions.

Additionally, the following are preliminary comments:

- As each sub-category of parks has different considerations, we do not agree with the placement of the four categories of parks into one designation (national parks awaiting full establishment, territorial parks awaiting full establishment, proposed national parks, and proposed territorial parks).
- The omission of the names of the proposed future parks within the DNLUP 2021 is problematic as participants must refer to the Options and Recommendations document to understand the scope of the land use planning proposals. The DNLUP 2021 should list all the specific park areas that are within proposed designations.
- On “national parks awaiting full establishment”, there is a discrepancy between the DNLUP 2021 and the Options and Recommendations document. The DNLUP 2021 states that “there are no national parks awaiting full establishment” while the Options and Recommendations states that the “PCA identified Ward Hunt Island as a national park awaiting full establishment”. We need clarity on which document is correct.
- NTI and the RIAs do not agree with the statement that all territorial park proposals have “regional Inuit association support” as stated in the DNLUP 2021. In some cases, the RIAs have supported initial feasibility studies and investigations. However, the true marker of RIA support is whether an Inuit Impact and Benefit Agreement (IIBA) has been concluded for the proposed park. The current “Umbrella Inuit Impact and Benefit Agreement for Territorial Parks in the Nunavut Settlement Area” (Territorial Parks IIBA) between NTI, the RIAs and the Government of Nunavut overlaps with the Commission’s list of territorial parks waiting full establishment in the Options and Recommendations document. Confirmation is required whether all the territorial parks waiting full establishment listed in the Options and Recommendations document fall under the Territorial Parks IIBA. The IIBA allows for new proposed parks to be added to the IIBA once a Parks-Specific Appendix is concluded addressing matters specific to the proposed park including benefits for Inuit. NTI and the RIAs have not provided full support to territorial park proposals that do not have a Parks-Specific Appendix and have not been added to the Territorial Parks IIBA.

- NTI and the RIAs continue to be concerned with the level of impact on IOLs from the proposed Limited Use designation (previously Protected Area designation) for future parks, particularly for future parks without an IIBA as required under the *Nunavut Agreement*.

2.8 Proposed National Marine Conservation Areas – Tallurutiup Imanga

NTI and the RIAs are reviewing the designation proposal for Tallurutiup Imanga National Marine Conservation Area (TI NMCA) and will be preparing further submissions once several questions are answered and there has been an opportunity to consider the submissions of the QWB, HTOs and other participants. On a preliminary basis NTI and the RIAs have questions on:

- the appropriateness of the list of prohibitions for TI NMCA that includes prohibitions on terrestrial activities, but does not include terms and conditions for marine shipping or ice-breaking;
- the impact of not including a designation for the Lancaster Sound Polynya; and
- the inclusion of IOL in the designation as shown in the tables of the Options and Recommendations document as the boundary of TI NMCA does not include IOLs.

2.9 Conservation Areas

The previous submissions of NTI and the RIAs continue to apply to the new proposed designations for the Thelon Wildlife Sanctuary, Migratory Bird Sanctuaries, National Wildlife Areas, National Historic Sites, Territorial Historic Sites and Canadian Heritage Rivers. The significant limitations on the ability of NTI and the RIAs to manage IOLs within these designations remains a major concern. NTI and the RIAs will be considering the submissions of RWOs, HTOs and other participants on these designations and will provide further submissions on the proposed conservation area designations. NTI and the RIAs will also be raising a number of questions related to these designations.

2.10 Community Areas of Interest

NTI and the RIAs are reviewing these designations and the rationale for the designations within the Options and Recommendations document and will provide further submissions taking into consideration the views of the RWOs, HTOs and other participants.

2.11 Areas of Equal Use and Occupancy and Denesuline Areas

NTI and the RIAs support the Areas of Equal Use and Occupancy, as well as the Denesuline Areas, not being designated as Limited Use or Conditional Use areas. With respect to the Denesuline Areas that are subject to the Order-in-Council that withdraws lands from disposal of

surface and subsurface rights, future agreements within this area may potentially provide for new IOLs. NTI and the RIAs recommend that new IOLs that may be created should not be placed in Limited Use or Conditional Use area designations.

2.12 Community Drinking Water Supplies

NTI and the RIAs are reviewing the land use planning proposals for protecting community drinking water supplies and will provide further submissions considering the views of RWOs, HTOs and other participants. Regarding the proposed Limited Use designation for community drinking water supply watersheds outside of municipal boundaries, NTI and the RIAs require more clarity on the total land area and IOLs that falls within the designation taking into account the exclusion of the Baker Lake and Kugluktuk watersheds from the designation.

2.13 Contaminated Sites and Military Facilities

NTI and the RIAs have several questions related to contaminated sites and military facilities that require responses before a detailed submission can be made. On a preliminary basis, questions include:

- Although the Commission refers participants to the Federal Contaminated Sited Inventory for a list of sites, for clarity and transparency can the Commission provide the list of sites that the Contaminated Sites Limited Use area Plan Requirement applies to?
- Can the Commission verify that there are no contaminated sites on Commissioner's Lands that the DNLUP should apply to?
- Can the Commission provide the list of military sites that the Limited Use areas Plan Requirement applies to?

The scope of the designations within the DNLUP 2021 must be easily ascertainable to allow Inuit and other participants to fully understand the proposals and provide informed responses. NTI and the RIAs are concerned that there is not enough clarity on exactly where the Contaminated Sites and Military Facilities Limited Use area designations would apply. The mapping tools that are available are not user friendly easily and make it difficult to locate the designations. Without accessible mapping and a comprehensive list of sites that are captured by the designations, the scope of the designations and potential impacts remain unclear.

2.14 Transportation and Communications – Terrestrial Linear Infrastructure

NTI and the RIAs have jointly provided submissions calling for designations for the Manitoba-Kivalliq corridor and the Gray's Bay Road corridor (see submissions in 2017 and 2018). NTI and the RIAs are pleased to see a designation for the Kivalliq-Manitoba linear infrastructure corridor and call for a similar corridor to be established for the Gray's Bay Road project. We note that the Options and Recommendations document does not acknowledge the request for a designation

for the Gray's Bay Road corridor by NTI and the RIAs, or any of the supporting rationale submitted. The Commission does not appear to have considered the recommendation for a corridor designation for the Gray's Bay Road and the omission of such a significant recommendation is unacceptable.

NTI and the RIAs will be providing further submissions and questions on the two designated corridors in the DNLUP 2021 as the proposed boundaries and terms and conditions raise several questions and concerns.

2.15 Periodic Review

NTI and the RIAs acknowledge the Commission's proposal to commence a review of an approved NLUP within 7 years of the Plan's approval and commitment to complete the review within 3 years and will provide a response to this issue in a subsequent submission. The Commission has also indicated that it does not support the sunseting of designations meaning that designations may be in place for at least 10 years. NTI and the RIAs are evaluating the ramifications of these proposals.

2.16 Existing Rights

At section 6.1.8, the Commission provides for the exempting of mineral exploration and production projects from prohibitions in Limited Use designations when a project undergoes a significant modification. This proposed approach is over and above the preservation of rights for certain projects set out under NuPPAA. On December 5, 2016, NTI corresponded on the issue of the Commission's authority to expand grandfathering of existing rights and recommended that:

...as soon as possible, NPC retain outside legal counsel to prepare and circulate an independent legal opinion, on two questions: 1) whether the NPC possesses statutory authority to develop a land use plan that would exempt uses of land from the plan's requirements, over and above the exemptions provided in NUPPAA, and 2) if so, having regard to the GoC's current recommendations, what are the limits, if any, on such statutory authority.

To our knowledge, the Commission has not shared an independent legal opinion on the proposed approach to the grandfathering of rights within the DNLUP 2021 and we continue to recommend that this work be completed given the significant implications of this approach.

From a transparency perspective, NTI and the RIAs are concerned with how the issue of existing rights is communicated in the DNLUP 2021, accompanying maps and Options and Recommendations document. Currently, the DNLUP 2021 does not clearly explain that the Commission is proposing two different mechanisms for the grandfathering of rights:

- i. Implementing the preservation of rights provisions in NuPPAA;
- ii. An additional layer of grandfathering of mineral exploration and development projects using Plan Requirements 6.1.8-1 to 6.1.8-6.

The failure to clearly communicate the two-pronged approach in the DNLUP 2021 is a substantial omission. Additionally, without conducting an independent GIS analysis, the precise impact of the Commission's proposed approach is not ascertainable. The implementation of the grandfathering of rights will result in prohibitions not applying in significant sections of the proposed Limited Use and Conditional Use areas. The extent of the non-application of prohibitions within proposed Limited Use and Conditional Use areas should be described in the DNLUP 2021 and shown accurately on a map. The Commission should provide a map that shows the overlay of the footprint of projects that are proposed to be grandfathered by NPC in implementing section 6.1.8 Existing Rights on the proposed Limited Use and Conditional Use areas. This is required for Inuit, and all participants, to fully understand NPC's existing rights proposals.

NTI and the RIAs are also concerned that the "Land Use Planning Policy Recommendation" included in Options and Recommendations at pgs. 486-487 states that the "implementation strategy will include plan requirements whereby LU land use designations will be tailored to allow mineral exploration and production projects...". All Plan Requirements should appear in the NLUP and not be further developed in the implementation strategy.

PART 3: CLOSING COMMENTS

Our preliminary view is that significant adjustments are required to the DNLUP 2021 before NTI and the RIAs can support the DNLUP. The Commission must be responsive to the input of NTI and the RIAs on land use planning proposals that impact on Inuit rights. The failure to meaningfully take into account the goals and objectives for IOLs of the DIOs that hold Inuit land title on behalf of Inuit must be corrected by the Commission. We urge the Commission to consult directly with us on this critical matter.

We reiterate that the DNLUP 2021 contains several Planning Requirements and policy recommendations that are not sufficiently clear or transparent. Before beginning the regional public hearing process, Inuit, and all participants, should be given the opportunity to pose questions and receive answers from the Commission to clarify the intent and content of the DNLUP 2021. This step would significantly improve the understanding of the DNLUP 2021, which is vital to obtaining informed participation in this land use planning process and to fulfilling *Nunavut Agreement* requirements.

NTI and the RIAs reiterate their opposition to proceeding with the regional public hearings in November 2021 before there has been sufficient time to review the DNLUP 2021 and before the DNLUP 2021, maps and related documents have been made available in Inuktitut for a reasonable period of time and paper copies of the materials have been made available at the community level and to all participants.

All parties are eager to achieve an approved Nunavut Land Use Plan and we look forward to resolving the important procedural and substantive issues that will make this possible.



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ለክፍሉ አጠቃላይ ማጠቃለያ ምረቃ ስርዓት ለማሳካት ማስፈራረም ይገባል፡፡ ለዚህም ምሳሌ በጥንቃቄ ማረጋገጥ ይገባል፡፡

ለዚህም ምሳሌ ለዚህ ስርዓት ማሳካት ማስፈራረም ይገባል፡፡ ለዚህም ምሳሌ በጥንቃቄ ማረጋገጥ ይገባል፡፡

ማስታወሻ ለዚህ ስርዓት፡

ለዚህም ምሳሌ ለዚህ ስርዓት ማሳካት ማስፈራረም ይገባል፡፡ ለዚህም ምሳሌ በጥንቃቄ ማረጋገጥ ይገባል፡፡

ማስታወሻ፡

- iv. ማስፈራረም በጥንቃቄ ማረጋገጥ ይገባል፡፡ ለዚህም ምሳሌ በጥንቃቄ ማረጋገጥ ይገባል፡፡
- v. ለዚህም ምሳሌ ለዚህ ስርዓት ማሳካት ማስፈራረም ይገባል፡፡ ለዚህም ምሳሌ በጥንቃቄ ማረጋገጥ ይገባል፡፡

[illegible][illegible][illegible]

20

[illegible]

[illegible]

- [illegible]

[illegible]

- [illegible]

[illegible][illegible][illegible]

- 24

[illegible]

- [illegible]

[illegible]

[illegible]

መደጃ ጋሜሊክ በግሥር ላሊጋ የዋዋይርታ ልወልጅ ህጋዊነቱን የገናኝታል። ይህም ለሀገራችን የሚገባውን የሥራ ልማት እና የሥራ ልማት ለማረጋገጥ ይረዳል። በዚህም ምክንያት የሥራ ልማት ለሀገራችን የሚገባውን የሥራ ልማት ለማረጋገጥ ይረዳል።

[illegible]

[illegible][illegible]

ክፍሉ ላይ ለሚገኙት ሰነዶች ምረቃ ማረጋገጫ ሰነድ ማቅረብ አለባቸው፡፡ ምረቃ ማረጋገጫ ሰነድ ማቅረብ የሚችሉት ለሚከተሉት ምክር ቤቶች ነው፡፡

2.12 $\Delta \Gamma^{\text{b}} \text{ b} \rightarrow \text{c} \ell \nu$

[illegible]

2.13 ԴՐՏԵՆԻՆԻՆԻ ԺԱՊԻՆԻՆԻ ԴԵՐՄԱՆԻՆԻ ԼԵՐՆԱԿԱՆ ԴՐՈՒՄԸ

[illegible]

- [illegible]

[illegible][illegible][illegible]

iv. ንክክልሉም ለፍጥነት ለማድረግ ለሚገባው ስራ ለሚከተሉት ምክር ቤቶች ለሚሰጡት ማረጋገጫ ሰነድ ማቅረብ ይገባል፡

[illegible][illegible]

Δርጁ 3: ሊጋድሮርብሆኑ ልዩነቶች

[illegible]

[illegible]

ፈጅሞብር ፈርድኛ ከፋብኛ፣ በየብክረኛኛ ፋብኛርድብኛ ወደገፍ ወደፈር ፈጅኛርድሞብኛ ረፍድብኛረኛኛኛ ፈረጋ ማህኛ፣ ፋብኛርድረኛኛኛ ለረከረኛኛ ፈርድረኛኛ ፈረጋ ለረከረጋርድኛ ፋብኛርድረኛኛኛ ረከረኛኛ ረከረኛኛ ከረከረኛኛ ረከረኛኛ.