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Government of Canada Written Responses to Questions Raised During Fall 2022 Public Hearings on the 2021 Draft Nunavut Land Use Plan

Submitted to the Nunavut Planning Commission on December 19, 2022

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Introduction

The Government of Canada is providing the following information in response to questions posed regarding the 2021 draft Nunavut Land Use Plan (draft Plan) during the Fall 2022 public hearings in Cambridge Bay (September 12-15), Rankin Inlet (September 19-23), Thompson (September 26-27), Pond Inlet (October 24-27) and Iqaluit (November 14-19).

The Government of Canada notes that questions asked that were outside of the scope of the draft Plan have been tracked, and responses have either been provided or the Government of Canada will be following up directly with the questioner.

Cambridge Bay, Nunavut (September 12-15, 2022)

- 1. Would the Government of Canada be in a position to provide a summary and analysis of the differences between the rights presented in Appendix A, and all mineral tenure as you suggest?**

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) staff met with Nunavut Planning Commission staff on October 7, 2022 to further discuss. Government of Canada will be submitting an analysis of the mineral tenure as part of a final written submission.

- 2. Does the Government of Canada have any comments on the appropriateness of the Land Use Plan exempting all individual ship movements from its authority when the legislation did not take that step? (...)whether the focus of the exemption could be narrowed?**

As was discussed with Nunavut Planning Commission staff during the hearing in Cambridge Bay, the Government of Canada will address this question in its final written submission.

Rankin Inlet, Nunavut (September 19-23, 2022)

- 3. Can the Government of Canada provide a current update of the status of the Tallurutiup Imanga proposed National Marine Conservation Area initiative, and when it may be anticipated to conclude?**

- Tallurutiup Imanga National Marine Conservation Area is at the final stage in the establishment process which requires the transfer of land and seabed from federal departments to Parks Canada and tabling an amendment to add the national marine conservation area boundary to Schedule 1 to the *Canada National Marine Conservation Areas Act* in Parliament.
- Work is underway on the Strategic Environmental Assessment and project description for submission to the Nunavut Planning Commission for conformity review. The Aulattiqatigiit Board, the Inuit-Canada co-management board for Tallurutiup Imanga National Marine Conservation Area, will have an opportunity to review the documents. Proposed timing for submission to the Commission is December 2022.
- In discussion with the Aulattiqatigiit Board, Parks Canada's goal is to work towards the tabling of amendments in Parliament to the *Canada National Marine Conservation Areas Act* to establish the Tallurutiup Imanga National Marine Conservation Area by Fall 2023. It will be up to Parliament to set the exact timetable.

4. In response to a question for Arviat Hunters and Trappers Organization in Rankin Inlet, the Government of Canada committed to providing an update on the status of Angilak Uranium Project.

- The Angilak project is owned by ValOre Metals Corp. and was actively explored from 2008 through 2016
- The project is located approximately 230 km southwest of Baker Lake and 290 km northwest of Arviat
- Angilak has a NI 43-101 inferred resource of 2.83 million tonnes of ore grading 0.69% U₃O₈, as well as 20.6 grams per tonne silver, 0.17% molybdenum and 0.25% copper.
- No exploration took place between 2017 and 2020
- In 2021, ValOre acquired spectral satellite imagery to allow spectral mapping of the property, and also re-processed historical geophysical and geochemical datasets.
- In 2022, ValOre commenced a \$11 million exploration program at Angilak that was planned to include 4,000 m of reverse circulation drilling, 2,400 line-km of electromagnetic and magnetic ground geophysical surveys, collection of 1,000+ geochemical samples, baseline environmental and archaeological studies, and 4,000 m of diamond drilling.
- The 2022 reverse circulation drill program intersected multiple zones of near-surface radioactivity at several targets within the property (Dipole, Yat, J4 West). Only 1,547 line-km of ground geophysics were able to be completed because of reduced snow and deteriorating ice conditions, with the remainder planned to be completed in the spring of 2023. Diamond drilling also intersected zones of radioactivity at the Dipole and JR West targets.

5. In response to a question from Naujaat HTA, the Government of Canada is providing the following information on the projects of concern to the HTA:

Exploration activities on Melville Peninsula:

North Arrow Minerals' **Mel project**:

- The Nunavut Impact Review Board screened this project and released Decisions on Jan. 10, 2017 and again on Feb. 28, 2019. The Board determined no review was required.
- CIRNAC issued a Land Use Permit (2017C0006) May 1, 2017, which expires April 30, 2024
- The Nunavut Water Board issued a water licence (No.: 2BE-MPP1924) June 18, 2019, which expires June 17, 2024.
- North Arrow's Mel project has been idle since 2018.

StrategX Elements Corp.'s **Mel project**:

- An application for a CIRNAC Land Use Permit was submitted in 2022, but was subsequently cancelled.
- A Nunavut Water Board water licence (No.: 2BE-NAG2227) was issued August 19, 2022, and expires August 18, 2027.

- StrategeX is making use of North Arrow's camp at Mel, and its land use permit for that purpose.
- The drilling being done on the Nagvaak project (west of Mel) is on subsurface Inuit Owned Land, see below for details on the Nagvaak project.

Information on the Mel Project data sharing and royalty agreement between StrategX and North Arrow can be found at: http://northarrowminerals.com/news/press_releases/index.php?content_id=259; essentially it says North Arrow keeps any rights to diamonds on its or StrategX's tenure in the agreement's area of interest, and that StrategX keeps any non-diamond rights on its or North Arrow's tenure in the area of interest.

StrategX Elements Corp.'s **Nagvaak project**:

- Field program was conducted in 2022 on its Inuit Owned Land tenure at Nagvaak that included:
 - 62 line-kilometre geophysical survey over the summer
 - initial 2,000 metres of drilling which mobilized in late September.
 - re-logging and sampling for analysis of discovered historical drill cores on the property
 - surface sampling/prospecting work
- As of February 2022, StrategX has a Mineral Exploration Agreement (MEA) with Nunavut Tunngavik Inc. (NTI) for a 20-year mining lease on Nagvaak; this agreement was possibly signed in Oct 2021 according to the StrategX press release.

StrategX Elements Corp.'s **Tasijuaq project**:

- Tasijuaq is located north of Mel and Nagvaak properties, close to Sanirajak, and consisting of five non-contiguous parcels on Inuit Owned Land.
- There has been no reported work other than analysis of historical grab samples not previously analyzed.

6. Does the Department of Fisheries and Oceans Canada (DFO) still do fish counts? There's a shack up at Diane River that used to be used for fish count. It seems to be abandoned forever, so that is why I was asking.

DFO completed a fish count for Arctic char from the Diana River in 1986 and a fish count for Arctic char from the Meliadine River in 1990 (Please refer to the reports in Annex A and B, for further information on the collected data). Some fish were also collected from Peter Lake, an offshoot of the Diana/Meliadine system near Rankin Inlet in the mid-1990s. DFO will have a final char workshop involving all Kivalliq hunters and trappers organizations (HTOs) again this winter (2022/23), where HTOs can highlight their management and research concerns and their wants and needs.

7. Our constituents in Baker Lake rely on fish. When we want to do a fish stock assessment, it's hard to try and get the support we need from DFO because we are so far inland. We can't get support for counting the fish stocks. Which department do we contact?

DFO ran a community-based sampling initiative in Baker Lake in 2019 and is interested in returning to that area for follow-up work with the community. DFO will also have a final char workshop involving all Kivalliq HTOs again this winter (2022/23), where HTOs can highlight their management and research concerns and their wants and needs.

8. Can the Government of Canada commit to closing parcels in the calving grounds and key access corridors until the Land Use Plan is completed?

As part of the Government of Canada's response to the question, CIRNAC officials committed to providing a copy of the Minister's response to the Moratorium request from 2016, which encourages seeking meaningful protection measures for caribou through the Nunavut Land Use Plan process. This can be found in Annex C of this submission.

9. Can the Government of Canada explain in detail on how it fulfills its duty to consult with respect to exploration processes.

- The mineral exploration process in Nunavut is governed by the *Territorial Lands Act* and associated *Territorial Land Use Regulations* as well as the *Nunavut Mining Regulations* and is subject to the *Nunavut Planning and Project Assessment Act* and relevant provisions of the Nunavut Agreement.
- Under the *Nunavut Mining Regulations*, any person may carry out mineral exploration activities in Nunavut, provided they first acquire a licence to prospect and otherwise comply with the relevant provisions of the *Nunavut Mining Regulations*.
- The holder of a licence to prospect may obtain exclusivity over the right to explore certain areas by applying for the recording of a claim over a given area, which is done through the Nunavut Map Selection (NMS) system.
- In order to maintain a claim, its owner is required to perform work, as described under the *Nunavut Mining Regulations*.
- Depending on their nature and scale, exploration works and activities may require a number of further permits and authorizations. For example, works and activities that meet the definition of a "project" under the *Nunavut Planning and Project Assessment Act* will have to undergo an impact assessment, and works and activities that meet a certain threshold as described under the *Territorial Land Use Regulations* or the *Nunavut Waters Act*, require a land use permit or a water licence.
- The Crown has a duty to consult on the decisions it makes that could have an impact on section 35 rights, and this includes any decisions made regarding land use permits, water licences, environmental assessments or approval of a land use plan.
- The Crown relies primarily upon the consultative processes of the co-management boards set out in the Nunavut Agreement such as the Nunavut Impact Review Board and the Nunavut Water Board, in discharging the duty to consult in relation to exploration works and activities that may affect section 35 rights. It is therefore essential that Indigenous groups participate in NIRB screenings and reviews in order to identify any potential impacts that a proposed

exploration project may have on their section 35 rights, and any additional consultation or accommodation that may be required.

- The draft Nunavut Land Use Plan is an important step in the regulatory system and it provides an opportunity for Indigenous section 35 rights holders to be engaged and consulted on the designation of lands, including those lands that may not be available for the selection of mineral rights.

Thompson, Manitoba (September 26-27, 2022)

10. Do you dispute that some of these industries are not the reasons for the decline? If you don't have that evidence, are you willing to experiment with the caribou to show us what the answer will be, and therefore experimenting with our livelihoods and our communities, our culture? If you do not have an answer or evidence, I am requesting an undertaking for you to provide that answer in writing to us.

- The Government of Canada takes the conservation of caribou seriously and understands its importance to communities, livelihoods and culture.
- Environment and Climate Change Canada's Canadian Wildlife Service engages directly with communities, hunters and trappers organizations, wildlife management boards (WMBs), regional wildlife boards Regional Inuit Associations, NTI, Government of Nunavut and non-governmental organizations on caribou conservation by leading or supporting conservation actions (depending on the action and the status under the *Species and Risk Act* (SARA)) and by providing funding support to our partners to enable them to support conservation actions.
- The [COSEWIC Status Report \(2016\)](#) for Barren-ground caribou is a comprehensive source of information on the causes of decline of caribou. The following points from the Status Report's section on Threats – Cumulative Impacts offers further context on the reasons for decline:
 - “Most barren-ground caribou subpopulations are now at low points in their abundance and they are facing the cumulative effects from multiple interacting threats that were not present in the past. These include increased development and industrial activity, growing human populations with advanced hunting equipment, techniques as well as access yielding increased harvest, and a changing climate.” (pg 78 & 79)
 - “Whether limiting factors, such as disturbance and harvesting, become threats is largely dependent on the corresponding management response.” (pg 79)
 - “Each of the major development projects that is subject to environmental assessments include cumulative effects assessments but these are proponent rather than issue-driven and have not made a significant contribution to managing cumulative impacts for caribou. Also these assessments rarely consider the full range of activities that might act on populations of caribou in a cumulative way. A key challenge is the lack of overall land use planning, especially in the context of cumulative effects of industrial developments

and human activities. In particular, the lack of an overall approach to calving ground management is a specific issue of concern.” (pg 79)

- “...efforts to manage cumulative impacts are often absent or, at best, delayed.” (pg 79)
- “While there is acknowledgement of the Precautionary Principle, in practice, a lack of certainty often leads to inaction, which is a threat to a caribou herd if a real decline is underway and left unmanaged...” (pg 79)
- The decline is multi-factored and it must be addressed in multiple ways. The tools available include the co-management process(es), the regulatory regime, and the Nunavut Land Use Plan.
- The Government of Canada continues to listen throughout the Nunavut Planning Commission’s process and encourages communities to provide information to the Commission regarding caribou.

11. I am wondering about how can the Government of Canada address the social and emotional impacts of what you are discussing here. In 1956, the Government of Canada made a decision to relocate the Sayisi Dene due to the perceived decline of the caribou, and there have been numerous reports and studies of the social and emotional impact on the people. So, I am wondering what can Canada do to address the social and emotional impact of everything that is happening or will happen?

Answer:

- The Government of Canada acknowledges the social and emotional impacts stemming from the relocation of Sayisi Dene in the 1950s and 1960s, and is committed to addressing its legacy of colonialism and injustice.
- On August 14, 2016, Canada and the Sayisi Dene First Nation reached agreement on the Relocation Compensation Settlement that included an apology, a Comprehensive Community Plan, and financial compensation in the amount of \$33.6 million.
- An apology was delivered by the Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs on August 16, 2016, in Tadoule Lake, Manitoba, on behalf of the Government of Canada for relocating the Sayisi Dene (for the full apology, please visit: <https://www.rcaanc-cirnac.gc.ca/eng/1471286774906/1542900850824>).
- The Sayisi Dene First Nation Relocation Settlement Trust was established as part of the Comprehensive Community Plan. Further details on the Trust and ongoing projects contributing to community healing can be found via their website <https://sdfntrust.ca/>. The Trust may provide a mechanism for establishing additional programs to address the social and emotional impacts of relocation on the Sayisi Dene.
- The Nunavut Planning Commission’s process provides an opportunity for communities to come forward, as they did in Thompson, Manitoba, to voice any concerns regarding the draft Nunavut

Land Use Plan, and how they should be addressed. The Government of Canada relies on the Commission's process and is listening to the community concerns brought forward to the Commission about caribou and the significance of this keystone species to the Denesuline way of life.

- The Nunavut Land Use Plan is one tool that can help to protect caribou. The Government of Canada supports measures in the draft Plan that provide effective protection of caribou, including Limited Use designations for the protection of important caribou habitats with two exceptions:
 - areas of overlap with Indigenous-owned lands – Indigenous Organizations should decide how their lands are managed. We view this as an important element of self-determination, and
 - areas of overlap with existing mineral tenure that has been lawfully acquired under the Nunavut Mining Regulations; this only represents approximately 4% of the Limited Use areas in the draft Plan.

12. Does the Government of Canada intend to provide any feedback on the proposals from the Seal River Watershed Alliance regarding the inclusion of the areas in the Land Use Plan before the record closes?

Regarding the Seal River Watershed Alliance's recommendation to designate the Seal River Watershed area as a community area of interest under the 2021 Draft Plan, the Commission has discretion on how it will weigh the recommendation and any others that relate to that same area.

Should the Commission accept the recommendation made by the Seal River Watershed Alliance, the Government of Canada maintains that lands subject to the interim land withdrawals under Order in Council P.C. 2019-576 should remain under the Mixed Use designation, in accordance with the submissions made to the Commission from Ghotelnene K'odtineh Dene and Nunavut Tunngavik Incorporated. This will help ensure that any Limited Use designation does not interfere with concluding negotiations of agreements in this region. The Commission has the appropriate maps in its possession to make the necessary determinations.

The Government of Canada remains available should the Commission or other parties have any questions, and may provide further recommendations to the Commission before the close of the record.

Pond Inlet, Nunavut (October 24-27, 2022)

13. Can the Government of Canada provide comment on the status of the current review of the Arctic offshore oil and gas moratorium, and in addition, the status and nature of future discussions with significant discovery licence holders regarding potential impacts on their rights referenced within to moratorium?

- The Arctic offshore oil and gas moratorium, announced in 2016, is indefinite and is still active. It designates Canadian Arctic waters as off limits to future oil and gas licensing, while also maintaining the current terms of exploration licences and prevents them from expiring.
- A Government of Canada prohibition order on all oil and gas activities in the Arctic offshore will also remain in place as long as the moratorium is in effect. This Prohibition Order maintains the current terms of the exploration licences and prevents them from expiring.
- Crown-Indigenous Relations and Northern Affairs Canada is keeping industry apprised of the status of the moratorium, while continuing to protect the rights of licence holders in Canada's Arctic waters.

Iqaluit, Nunavut (November 14-19, 2022)

14. In response to a question from Pangnirtung HTO, the Government of Canada is providing the following information on the purpose and frequency of aerial surveys performed by Fisheries and Oceans Canada:

Fisheries and Oceans Canada (DFO) conducts scientific aerial surveys every 5-10 years in the summer months to estimate the abundance of belugas, narwhal, and bowhead whales in Cumberland Sound. DFO conducts these survey using twin otter airplanes equipped with cameras and observers. When they are observed, other whales, as well as seals, are also noted during the surveys. These surveys are conducted in consultation and with participation of the Pangnirtung Hunters and Trappers Organization (HTO). Other research programs on marine mammals in Cumberland Sound are co-developed with the HTO, and are co-led with community members from Pangnirtung.

DFO's Conservation and Protection branch also conducts aerial surveillance patrols. This year, Conservation and Protection undertook the following flight patrols in the Pangnirtung/Cumberland Sound area:

- In mid-June, 2022, an aerial patrol was conducted in Cumberland Sound. No activity was observed. Flight time was one hour, as this patrol was added to a turbot fishery patrol.
- In mid-July, 2022, an aerial patrol was conducted to monitor beluga harvesting activity in Cumberland Sound. Flight time was six hours, including transit time to the harvesting area.
- In mid-August, to address concerns raised by the community of Pangnirtung, two flights were conducted to monitor beluga harvesting and killer whale activity. The community reported a lot of killer whale activity and the killer whales killing a lot of beluga. In response, DFO conducted an overflight looking for such activities as well as to primarily monitor beluga harvesting and monitor effort in the area. The combined flight time of these flights was 6 hours.

15. Does the Government of Canada have any views on the management structure that's currently in place for the Area of Equal Use and Occupancy,

where both the Nunavut Planning Commission and the Nunavik Marine Region Planning Commission (NMRPC) are now mandated to establish land use plans to guide resource use within these areas, and is there any intention to prepare a more permanent management structure?

The Government of Canada does not have any particular views on the management structure in place for the Area of Equal Use and Occupancy where the Nunavut Planning Commission and the NMRPC share a planning jurisdiction. With respect to establishing a more permanent management structure, Nunavut Tunngavik Incorporated and Makivik are best placed to comment as the representative Inuit Organizations for this area. The Government of Canada remains open to participating in any discussions on the matter.