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Nunavunmi Parnaiyiit
Nunavut Planning Commission
Commission d'Aménagement du Nunavut

NUNAVUT PLANNING COMMISSION
NOTICE OF EXTENSION OF TIME FOR FINAL WRITTEN COMMENTS
AND NEXT STEPS FOR THE 2021 DRAFT NUNAVUT LAND USE PLAN

Appendix I

Template for Responses/Comments to any written submission

Please return completed templates by **5PM EASTERN TIME FEBRUARY, 24th, 2023** to the Nunavut Planning Commission, by email at submissions@nunavut.ca, by fax at 867-979-3443, or by mail at Box 1797, Iqaluit, Nunavut X0A 0H0.

IDENTIFICATION	
Date	Feb 24, 2023
Your Name:	Daniel Haney
Your Title/Position	Lead Representative/Spokesperson
Your organization (if applicable):	Government of Nunavut
Your Contact information (email, Tel, mail, or fax):	DHaney@gov.nu.ca (867) 975-7720

**Add enough rows and pages as needed*

	NPC REGISTRY FILE #	SECTION OF THE SUBMISSION	YOUR RESPONSE/COMMENT
1	GN Final Submission 21-193E-2023-02-10 Joint NTI, GoC, GN Submission 21-194E2023-02-10	<ul style="list-style-type: none"> GN-2023-01 GN-2023-02 Issue 2: Inuit Owned Lands, Recommendation No. 1 on the Approach to IOLs 	With the change that came from the February 2, 2023, policy decision, the GN seeks alignment with Inuit organizations in all its recommendations and submissions. There are some recommendations, however, where the GN differs, and these are explicit in responses below.



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2	<p>NWT & Nunavut Chamber of Mines Submission 21-195E-2023-02-10</p> <p>Kivalliq Inuit Association Submission 21-209E-2023-02-10</p> <p>Kitikmeot Regional Wildlife Board Submission 21-202E-2023-02-10</p> <p>NTI/RIA Joint Submission 21-189E-2023-02-10</p>	<ul style="list-style-type: none"> Typically, within section on caribou 	<p>Many parties are referencing “mobile protection measures” or “mobile caribou conservation measures” (mobile measures) within their submissions as being an appropriate mechanism to protect caribou territory wide. These measures are not well understood nor is there a consistent definition of these measures being put forward. The “mobile” part of these measures refers to the impacts (activities, infrastructure, drill rigs, camps, etc.) being mobile and thus able to move prior to caribou being present or when caribou are present. As several parties have clearly stated, and as the Kivalliq Inuit Association’s subject matter experts have stated, these measures are designed for <i>exploration</i> projects without static infrastructure; they were not designed to be applied to static infrastructure like an all-weather road or a mine site.</p> <p>It is also very important to note that these measures are experimental, untested, and unproven. In the GN’s assessment, as the responsible authority for wildlife management in Nunavut, it would be inappropriate to apply these measures under the framework of caribou protection prior to them being proven effective through rigorous scientific validation methods. The intensive monitoring involved in these measures has the potential to disturb caribou and is expensive to implement. The GN cannot support any Plan requirements for mobile measures on public lands because this directly implicates the GN, and would pose an unacceptable risk to caribou populations.</p> <p>Despite what some parties are claiming, area-based protections are the currently accepted mechanism to protect caribou and caribou habitat from development impacts. This is supported by scientific evidence and caribou experts across the world. Until alternate protection measures are proven effective through rigorous scientific studies, the GN believes that area protections are the best way to protect caribou and caribou habitat. The GN is willing to work collaboratively with other caribou experts to engage in rigorous scientific studies into effective alternative methods for caribou protection. Given the current deficit in knowledge regarding caribou protection measures, the GN will not support the application of mobile protection measures across the territory as a replacement for area-based protections.</p>
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			<p>Some parties refer to these measures being effective yet do not provide any study results or evidence showing effectiveness. Specifically, the Kivalliq Inuit Association indicates that these measures form part of their land lease application process and proponents report on their effectiveness through annual reports. The GN would like to review these reports, study methodologies and scientific findings, to assess the effectiveness of the measures in the Kivalliq region. To date the GN is neither aware of, nor been provided any studies proving the effectiveness of mobile protection measures of any kind.</p> <p>The implementation of these measures territory-wide is not feasible at this time and would pose an unacceptable risk to caribou. The GN does not believe communities, HTOs, or RWOs, would support major expansions to existing collaring programs and the GN is limited in its funding, capacity, and ability to complete extensive collaring and survey programs to monitor impacts from development in addition to its other wildlife management responsibilities. Additionally, the GN is concerned that the necessary expansion to monitoring programs, including telemetry, as a result of implementing these experimental mobile protection measures may have adverse effects on caribou due to increased overflights and thus increased disturbance to caribou.</p>
3	<p>NTI/RIA Joint Submission 21-189E-2023-02-10</p> <p>Government of Canada Submission 21-201E-2023-02-10</p>	<ul style="list-style-type: none"> • 2.3.6 Existing Rights • 6. Existing Rights • 6.1 Ancillary Uses • Annex A 	<p>The GN shares concerns with NTI and GoC with the current approach to existing rights under section 6.1.8 of the DNLUP on how it aligns with <i>NuPPAA</i> and whether it will ensure the reasonable development of projects stemming from existing rights and interests in Nunavut.</p> <p>GoC references Section 58 of <i>NuPPAA</i> where it requires the NPC to consider a range of rights and interests. GoC further defines this as meaning mineral rights and interests.</p> <p><u>GN response:</u></p> <ul style="list-style-type: none"> • The GN notes in this distinction that petroleum rights and interests are not explicitly stated. For clarity, the GN notes that existing rights include those acquired through the <i>Nunavut Mining Regulations</i>, those acquired through the <i>Canadian Petroleum Resources Act</i>, and those recognized as projects under <i>NuPPAA</i> and the <i>NA</i>.

			<p>In 6.1 Ancillary Uses, GoC recommends the Commission “include guidance in the draft Plan on ancillary uses of land that ensure the full exercise of existing rights and interests which are prohibited by a zoning designation outside of the footprint of that right or interest...”</p> <p><u>GN response:</u></p> <ul style="list-style-type: none"> • The GN supports the idea of further guidance in the Plan (or associated with implementation of the Plan) on ancillary uses to ensure reasonable accommodation for the full exercise of existing rights and interests in designations where activities are otherwise prohibited. This may require further discussion among relevant parties, including GN. <p>In Annex A, the GoC recommends a notice period as a cut-off date for inclusion of mineral tenure in the draft plan.</p> <p><u>GN response:</u></p> <ul style="list-style-type: none"> • The GN may be supportive of a cut-off date with a public notice period of sufficient length. Such a cut-off date must remain within the intent of the existing legislation and be considered as close to the acceptance of the LUP as is reasonable. Any cut-off period must be discussed by the signatories and agreed upon prior to implementation.
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4	<p>Qikiqtani Inuit Association Submission 21-176E-2023-02-10</p>	<ul style="list-style-type: none"> • Caribou Habitat & Harvesting Areas Protection 	<p>The GN understands that QIA has proposed several policy solutions and revisions in response to their concerns and interests with respect to the NLUP. The GN is open to continuing to work with QIA and the NPC to address the issues and concerns raised and identify mutually supported solutions.</p> <p>A brief summary of one of the comments raised by QIA which the GN understands may need to be discussed further is listed below.</p> <p>Caribou</p> <ul style="list-style-type: none"> • QIA states that more protection of various caribou habitats is needed. <p><u>GN response:</u></p> <ul style="list-style-type: none"> • GN is supportive of QIA determining appropriate designation for IOLs in the Qikiqtaaluk. • The GN is willing to collaborate with QIA and QWB in any research related to caribou conservation to support these habitat delineations and protections.
5	<p>QWB-QIA Joint Submission 21-168E-2023-02-10 21-169E-2023-02-10 21-170E-2023-02-10 21-171E-2023-02-10 21-172E-2023-02-10 21-173E-2023-02-10</p> <p>QWB Submission 21-174E-2023-02-10 21-175E-2023-02-10</p>	<ul style="list-style-type: none"> • Proposed Restrictions • Spatial delineations of caribou habitats 	<p>Reference is made to restrictions being placed on “related research except non-exploitative scientific research” within several habitat types in the Qikiqtaaluk region. It must be clear that any proposed restrictions cannot interfere with scientific research conducted by the GN to support wildlife management, as the responsible authority in the territory. Prior to conducting research related to wildlife management, the GN requires research permits and this process includes a comment period for affected parties. The GN also consults with Hunters and Trappers Organizations in the region and in many cases invites HTO members to participate in the research. The GN respects the traditional ecological knowledge of Inuit and is grateful to its co-management partners for their cooperation and assistance in making this important research possible.</p> <p>The GN would like to collaborate with QIA and QWB where possible to support ongoing monitoring and research into habitat delineations and appropriate protection measures in the Qikiqtaaluk region.</p>

6	<p>Kivalliq Inuit Association Submission 21-209E-2023-02-10</p>	<ul style="list-style-type: none"> • IOLs • Caribou Protection • Linear Infrastructure • Community Drinking Water • Community Areas of Interest 	<p>The GN understands that KivIA has proposed several policy solutions and revisions in response to their concerns and interests with respect to the NLUP. The GN is open to continuing to work with KivIA and the NPC to address the issues and concerns raised and identify mutually supported solutions.</p> <p>A brief summary of some of the comments raised by KivIA which the GN understands may need to be discussed further is listed below.</p> <p>IOLs</p> <ul style="list-style-type: none"> • KivIA generally supports IOLs being designated as Conditional Use, decision-making and IOL management is not interfered with. • KivIA proposes a Plan requirement that a review of all land use applications on surface IOL in Kivalliq to be done through CLARC process. • KivIA proposes that an IIBA should be negotiated prior to designating any IOLs in Kivalliq as Limited Use. <p><u>GN response:</u></p> <ul style="list-style-type: none"> • GN is supportive of KivIA determining appropriate designation for IOLs in the Kivalliq. <p>Caribou Protection</p> <ul style="list-style-type: none"> • KivIA supports concentrated and historical calving areas, as well as post-calving areas, being designated as Conditional Use. Mobile measures should be applied to these areas year-round outside of the concentrated calving season. • KivIA has proposed that Key Access Corridors be removed from the NLUP. • KivIA has proposed that the areas directly surrounding freshwater crossings (1-3 km radius) be designated Limited Use, and that a 10 km Conditional Use area with seasonal restrictions should be created. Mobile measures should be in place outside of the seasonal restriction period. • KivIA supports sea-ice crossings being designated Conditional Use. • KivIA has recommended that caribou habitat be identified as Valued Ecosystem Components (VEC) for summer, fall, rut, and winter ranges, with mobile measures in place.
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7	<p>NTI/RIA Joint Submission 21-189E-2023-02-10</p>	<ul style="list-style-type: none"> • Throughout 	<p>The GN understands that the NTI/RIAs have jointly proposed several policy solutions and revisions in response to their concerns and interests with respect to the NLUP. The GN is open to continuing to work with the NTI/RIAs and the NPC to address the issues and concerns raised and identify mutually supported solutions.</p>

8	<p>Outstanding Responses to Oral Questions from the Public Hearings</p>	<ul style="list-style-type: none"> Iqaluit Public Hearing Transcript, p. 280 	<p>The GN would finally like to take this opportunity to follow up in writing to some of the questions posed orally by community delegations.</p> <p>Paul Quassa, City of Iqaluit, at the Iqaluit Public Hearing:</p> <p><u>Question:</u></p> <p>“Does the Government of Nunavut know how many existing rights there are in Nunavut that are not? Just a simple question, do you know how many existing rights there are in Nunavut as we speak?”</p> <p><u>GN Response:</u></p> <p>The GN does not administer or regulate mineral rights in Nunavut. That responsibility lies with the Mining Records Office of Crown-Indigenous and Northern Affairs Canada, and in the case of subsurface IOLs, Nunavut Tunngavik Incorporated.</p> <p>Lucy from Kugluktuk at the Cambridge Bay Hearing</p> <p><u>Asked:</u></p> <p>Regarding the Bluenose herd and if the GN and GNWT used the same caribou tagging system.</p> <p><u>GN Response:</u></p> <p>The GN collaborates with the GNWT, however, the Nunavut quota is set by the NWMB whereas a different administrative decision maker sets the NWT quota.</p>
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