



Interpretation North Baffin Regional Land Use Plan Terms 3.5.10, 3.5.11 and 3.5.12

This plan interpretation is necessary as the procedure required under the North Baffin Regional Land Use Plan (NBRLUP) for proposed projects involving transportation and/or communications corridors diverges from the standard operational practices of both the Nunavut Planning Commission (NPC) and the Nunavut Impact Review Board (NIRB).

Under Part 3.5, Marine and Terrestrial Transportation, of the NBRLUP there a number of issues, objectives and terms associated with the management of transportation and communications corridors. A “corridor” is considered to be any linear development, public or private, established for transportation or communication purposes.

Specifically relating to the application and review of project proposals that involve the establishment of new transportation or communications corridors the NBRLUP contains: Terms 3.5.10; 3.5.11; 3.5.12; Appendix J - Marine and Terrestrial Transportation / Communications Corridor Alternative Route Assessment; and Appendix K – Marine and Terrestrial Transportation / Communications Corridor Guidelines.

Term 3.5.10 states that:

While ensuring the respect of applicable Canadian international obligations in the region, the NPC shall implement the concept of a transportation and/or communications “corridor” as a land use policy having general application, and applying to land and water routes throughout the region, based on the processes outlined in Appendices J and K.

Term 3.5.11 states that:

All parties wishing to develop a transportation and /or communications corridor shall submit to the NPC a detailed

application for an amendment. This application must include an assessment of alternative routes, plus the cumulative effects of the preferred route. It shall provide reasonable options for other identifiable transportation and utility facilities.

Term 3.5.12 states that:

The NPC, and either NIRB or a panel acting under section 12.4.7 of the NLCA, shall publicly review the proposed corridor to determine whether the proposal adequately meets the guidelines set out in Appendices J and K. Once it is determined that a proposal does meet the guidelines, the NPC may request the ministers to amend the plan to include the new transportation corridor.

According to these Terms, all project proposals that involve the establishment of new transportation or communications corridors will trigger two processes under the NBRLUP. The first process is the submission of a formal application to amend the NBRLUP including an assessment of alternative routes and cumulative impacts. The information required is set out under Appendix J. The second process is a joint public review of the information required under Appendix J and Appendix K of the NBRLUP by the NPC and NIRB or an appropriate panel to determine that the proposal meets the designated guidelines.

In summary, the Term 3.5.10 establishes, as a broad land use planning policy, the concept of a corridor which applies special terms to certain Transportation and Communications land use activities. These special terms are contained in NBRLUP Appendices J and K.

Term 3.5.11 requires that any proposal for a transportation or communications corridor include an application for a formal plan amendment. This application must provide all information required by Term 3.5.11 and Appendix J of the plan. This application would be provided to the NPC as part of NIRB's Nunavut Land Claims Agreement (NLCA) 12.4.7 information requirements.

Term 3.5.12 requires that the corridor will be reviewed publicly by NPC and either NIRB or a panel as set out under NLCA 12.4.7. The NPC and NIRB will review the proposal to ensure the project proponent has provided the information required by Appendix J and that the planning guidelines provided in Appendix K have been met. Once the NPC and NIRB determine the proposal meets the designated requirements the

NPC would then process the amendment in accordance with NLCA 11.6.3.

In closing the approach provided in the NBRLUP respecting the establishment of new transportation or communications corridors is distinct from the standardized practices of both the NPC and NIRB. Plan amendments are approached in a unique manner and project reviews of "corridors" will be conducted jointly by the NPC and NIRB. Project proponents are advised to make their applications in accordance with the special processes and terms set out in the NBRLUP and as described in the this plan interpretation.

APPENDIX J

Marine and Terrestrial Transportation/Communications Corridor Alternative Route Assessment

Applicants wishing to develop a transportation and/or communications corridor in the North Baffin region are required to provide the NPC with the following information:

1. A description of the proposed corridor, including its use, its general routing, the possible environmental and social impacts, and any seasonal considerations that may be appropriate.
2. A comparison of the proposed route with alternative routes in terms of environmental and social factors as well as technical and cost considerations.
3. An assessment of the suitability of the corridor for the inclusion of other possible communication and transportation initiatives (roads, transmission lines, pipelines, etc.). This assessment should include:
 - the environmental, social and terrain engineering consequences, and the cumulative impacts of the project, and
 - the environmental and social impact of the project on nearby settlements or on nearby existing and proposed transportation systems.

APPENDIX K

Marine and Terrestrial Transportation/Communications Corridor Guidelines

The following planning guidelines will be used in the assessment of a new transportation / communications corridor proposal:

1. The corridor width shall be a function of:
 - the number and type of identified facilities within the corridor;
 - physical and biophysical conditions;
 - availability of detailed engineering data for one or more transportation modes within the corridor;
 - safe distances between different facilities within the corridor; and
 - aesthetics.
2. Corridors shall:
 - minimize negative impacts on community lifestyles;
 - improve access to other resources having high potential for development, while still maintaining the shortest practicable distance between the primary resource areas and the trans-shipment location;
- be designed in accordance with existing and prospective land use capability including topography, soil, permafrost and wildlife; and
- be designed in accordance with the availability of granular supplies.
3. In keeping with existing legal and legislative requirements, including the NLCA, corridors shall not negatively impact:
 - community business, residential and projected expansion areas;
 - important fish and wildlife harvesting areas;
 - key habitat for fish and wildlife species, especially areas used by endangered species;
 - areas of high scenic, historic, cultural and archaeological value.