



Nunavut Planning
Commission

EXECUTIVE SUMMARY

Nunavut Land Use Plan

Draft July 2021



The Nunavut Planning Commission (the Commission) was established as an institution of public government under the *Nunavut Agreement* and the *Nunavut Planning and Project Assessment Act*. Its mandate is to prepare land use plans for the entire designated area of Nunavut including the Outer Land Fast Ice Zone. One of the fundamental objectives of the *Agreement* is the protection and promotion of the well-being of Nunavut's residents and communities, in part through responsible and effective land use planning that achieves a balance between environmental, social and economic needs and potential.

Nunavut represents one-fifth of Canada's land mass (some 2.1 million km² of land and water) and is the largest geographic jurisdiction in Canada. Its primarily Inuit population is made up of fewer than 40,000 residents living in 25 isolated municipalities spread over three regions. Nunavut has the youngest and fastest-growing population in Canada, projected to reach some 48,000 people by 2035. Nunavut continues to develop a shared and sustainable economic direction. While there is great potential for further economic growth, particularly through natural resource development, such growth must be sustainable and work to reduce significant social, economic and health disparities, as well as inequalities and barriers faced by Nunavummiut.

Between 2006 and 2020 the Commission established broad planning policies, objectives and goals to inform the development of the Nunavut Land Use Plan (the **Plan**), and worked closely with Nunavummiut, Planning Partners and stakeholders to identify areas of importance and the priorities and values of residents. The Commission was also mindful of the priorities of Canada, the Government of Nunavut, Inuit organizations, other institutions of public government, industry, communities from neighbouring jurisdictions and non-governmental organizations in the formulation of the Plan.

The Commission's *Broad Land Use Planning Policies, Objectives and Goals*, along with Article 11 and other relevant articles of the *Agreement*, including Articles 5 and 7, have informed the development of this Plan.

The Commission prepared previous draft versions of the plan in 2012, 2014, and 2016, and guided by its commitment to ensure meaningful, respectful and inclusive consultation that considers the best available information from Inuit Qaujimajatuqangit and western science, has undertaken hundreds of community meetings. These have included multiple visits to every Nunavut community, affected communities in Nunavik, and Dënesųłiné communities in northern Manitoba and Saskatchewan. The Commission also held a public hearing in Iqaluit for the Qikiqtani and Nunavik regions and subsequently completed regional community engagements in the Kitikmeot and Kivalliq regions. In the course of preparing this Plan, the Commission has learned a great deal about the priorities and values of those it heard from. The Commission's entire public record, including consultations, written comments, submissions, and transcripts is available online at: <http://lupit.nunavut.ca/portal/registry.php>

Among other things, the Commission heard that access to country foods such as caribou, fish, and sea mammals, is the highest priority for residents of Nunavut and neighbouring jurisdictions, and hunting for food is both about accessing the local food sources and maintaining and promoting Inuit culture and sharing social norms and traditions. The Commission has been told current wildlife populations are not as abundant as in the past, that important habitat needs to be protected, and that climate change and human disturbance were named as contributing factors. Access to safe drinking water, whether from municipal sources or from streams while on the land, is also essential to Nunavummiut. The Commission



also heard of the need for economic development, both from renewable and non-renewable resources, suitable transportation networks to ensure the economic well-being of Nunavummiut and the long-term preservation and conservation of the land, wildlife and wildlife habitat, and a stronger and more diversified economy while maintaining the traditional lifestyle of Inuit.

The unprecedented spatial scale, complex and varied issues, as well as competing values and priorities have resulted in a Plan that incorporates difficult but unavoidable trade-offs and takes responsible decisions with respect to land use policies and designations. The Plan is supported by a companion document - 2021 Options & Recommendations (2021 O&R), that summarizes the background information and the rationales for the various policies and land use designations in this Plan using this decision-making framework. It is intended to inform planning partners and the public of the information and community values the Commission weighed when making recommendations about land use policies and designations. The 2021 O&R is available on the Commission website under the Public Registry section.

Executive Summary*

Once the Plan is approved, it will be legally binding and will be implemented using a number of tools including conformity determinations by the Commission and through the issuance of permits, licences and authorizations by regulatory authorities. The Plan will apply to “projects” as defined in the *Nunavut Planning and Project Assessment Act* and for clarity expressly exempts the harvesting of wildlife from the application of the Plan, which is dealt with exclusively by the Nunavut Wildlife Management Board pursuant to Article 5 of the Agreement. Importantly, full implementation of the Plan also repeals the Keewatin Regional Land Use Plan and the North Baffin Regional Land Use Plan.

The Plan is organized into six chapters with additional supporting materials that present the substantive issues, considerations and Plan requirements. The purpose and a summary of each chapter are as follows:

Chapter 1: *Land Use Planning in the Nunavut Settlement Area* introduces the Plan, including an overview of the Commission and the Nunavut Settlement Area, describes the Commission’s planning process, and pro-

vides a “user guide” to the Plan. It also summarizes the Commission’s broad planning policies, objectives, goals and planning approach, the consultations undertaken and the decision-making framework used. The Plan manages land use through the following requirements:

- To manage land use, one of the following three land use designations is assigned to all areas where the Plan applies:

Limited Use areas are characterized by the year-round prohibition of one or more types of land use. They may also include conformity requirements, such as seasonal prohibitions on certain land uses or setback requirements around important features. Limited Use areas are shown on Map A (Land Use Designations).

Conditional Use areas are characterized by conformity requirements such as seasonal prohibitions on certain land uses, or setback requirements around important features. Conditional Use areas are shown on Map A (Land Use Designations).

Mixed Use areas that have been identified for their potential to support a variety of land uses are characterized by no prohibited uses or conformity requirements. In Mixed Use areas, all uses are considered to conform to the Plan. Mixed Use areas important to certain Valued Ecosystem Components and Valued Socio-Economic Components are presented in Map B.

- Plan Requirements, namely prohibited uses, which are projects that are considered incompatible land uses, and conformity requirements which are conditions such as setbacks or seasonal restrictions on land uses that must be satisfied to conform with this Plan. Projects that are not prohibited within a Limited Use area or Conditional Use area must be carried out in compliance with all conformity requirements set out in this Plan for that area. Conformity requirements must also be included in a licence, permit or other authorization issued by a regulatory authority.
- Valued Components, namely Valued Ecosystem Components or Valued Socio-Economic Components, that may be identified in any land use designation including Mixed Use areas. As described in Chapter 6, proponents must consider Valued Components when planning a project and must identify anticipated impacts to Valued Components in project

proposals submitted to the Commission and report to the Commission on actual impacts to Valued Components. Regulatory authorities are encouraged to also consider Valued Components when reviewing projects pursuant to their own jurisdictional powers.

- Seasonal restrictions are explained in section 1.4.6, which notes some conformity requirements in Limited Use and Conditional Use areas do not apply year-round. There are six seasons in Nunavut, with start and end dates differing from region to region as presented in Table 3 of the Plan. Minor variances of up to two weeks may be granted on these dates, to take into account variations between years.
- The Plan makes it an offence under the *Nunavut Planning and Project Assessment Act* to contravene specific Plan Requirements. A list of requirements that constitute offences under the Plan in accordance with s. 48(4) and 74(f) of the *Nunavut Planning and Project Assessment Act* are set out at the end of Chapter 6. Proponents are directed to consult the Plan and the *Nunavut Planning and Project Assessment Act* to inform themselves of their legal duties and obligations.

Chapter 2: Protecting and Sustaining the Environment provides for the protection and conservation of Nunavut’s air, water, land, wildlife habitat, and wildlife. Protecting and sustaining the environment is of critical importance to those living in the Nunavut Settlement Area. The following areas and issues are addressed and include Plan Requirements, the contravention of which are prohibited in accordance with s. 48(4) and 74(f) of the *Nunavut Planning and Project Assessment Act*, and Information on Valued Components which are subject to procedural requirements set out in Chapter 6:

- key migratory bird habitat sites;
- caribou;
- polar bear denning areas;
- walrus terrestrial haul-outs;
- whale calving areas;
- Atlantic Cod lakes;
- marine areas of importance;
- transboundary considerations; and
- climate change.

Chapter 3: Encouraging Conservation Planning advances the goal of conservation by providing for parks, conservation areas and the protection of other areas of interest. The following areas have been identified to support the Commission's goal of encouraging conservation planning and include Plan Requirements, the contravention of which are prohibited in accordance with s. 48(4) and 74(f) of the *Nunavut Planning and Project Assessment Act*, and Information on Valued Components which are subject to procedural requirements set out in Chapter 6:

- future parks:
 - o future national and territorial parks; and
 - o proposed national marine conservation areas;
- conservation areas:
 - o Thelon Wildlife Sanctuary;
 - o migratory bird sanctuaries;
 - o national wildlife areas;
 - o proposed Oceans Act marine protected areas;
 - o historic sites; and
 - o Canadian heritage rivers.

Chapter 4: Building Healthier Communities promotes and strengthens Inuit culture and heritage. The chapter focuses on supporting community needs and priorities, including community drinking water supplies and areas of interest identified by communities as warranting protection. The following areas and issues have been identified to support the Commission's goal of building healthier communities and include Plan Requirements, the contravention of which are prohibited in accordance with s. 48(4) and 74(f) of the *Nunavut Planning and Project Assessment Act*, and Information on Valued Components which are subject to procedural requirements set out in Chapter 6:

- community areas of interest;
- parts of the Nunavut Settlement Area shared with non-Nunavut communities;
- unincorporated communities;
- alternative energy sources;
- community drinking water supplies;
- contaminated sites; and
- military facilities.

Chapter 5: Encouraging Sustainable Economic Development supports economic opportunities and addresses community needs through the promotion of diversified economic development including mineral potential, oil and gas potential, transportation and communications, and commercial fisheries. It supports the development of the Kivalliq-Manitoba linear infrastructure corridor and takes into account factors such as Nunavut's renewable and non-renewable natural resource base and existing patterns of natural resource use, tourism, energy needs, sources and availability, and special local, regional, and national considerations. Chapter 5 also includes Plan Requirements, the contravention of which are prohibited in accordance with s. 48(4) and 74(f) of the *Nunavut Planning and Project Assessment Act*, and Information on Valued Components which are subject to procedural requirements set out in Chapter 6.

Chapter 6: Implementation Strategy, provides guidance to development proponents, the Commission, governments, regulatory authorities, and other users of the Plan as to how it will be implemented and interpreted and their respective responsibilities in doing so. Among other matters, this chapter sets out:

- o the Commission's process for conformity determinations, factors to be considered by the Commission when proponents are eligible for minor variances, new minimum information requirements for general plan amendments and specific information requirements for development of linear infrastructure, timelines for periodic reviews of the Plan, and provisions for how the Commission intends to monitor projects for conformity on an ongoing basis;
- o the grandfathering of existing mineral rights listed in Appendix A to support continuity of use and access, including where a project undergoes a significant modification, provided the conditions set out in the Plan Requirements are met;
- o a summary of the responsibilities the *Nunavut Planning and Project Assessment Act* places on the Commission, the federal Minister, the territorial Minister, government departments, agencies and municipalities and regulators to implement the Plan, including conformity requirements in Condi-

tional Use areas and Limited Use areas that must be incorporated into licences, permits or other authorizations, and by encouraging regulatory authorities to review the Valued Components shown on Map B for their own reviews of projects.

In respect of proponents, the Plan:

- o encourages proponents to review Map A: Land Use Designations and to determine the location (or locations) where the project is planned and what type or types of land use designation apply, to review all applicable prohibitions and conformity requirements that may be applicable to the project, and consider if there are any Valued Components that may be negatively impacted before submitting a project to the Commission;
- o requires proponents submitting projects to the Commission to provide specific information about the project as well as a statement of anticipated impacts to Limited Use areas and Conditional Use areas shown on Map A, and to Valued Components shown on Map B, and further requiring proponents to report annually to the Commission before the Commission can complete subsequent conformity determinations for additional related projects or modifications to projects; and,
- o includes a list of all Plan Requirements, the contravention of which constitutes an offence in accordance with s. 48(4) and 74(f) of the *Nunavut Planning and Project Assessment Act* and procedural requirements applicable with respect to all Information on Valued Components.

Tables 1-6 provide additional information on some conformity requirements and Valued Components.

Appendix A is a list of projects with existing rights that section 6.1.8 of the Plan provides are exempt from prohibitions in Limited Use areas when they undergo significant modifications, subject to express limits on these exemptions.

Appendix B provides a list of the defined terms that apply throughout the Plan.

Map A provides a summary of the land use designations, and an illustration of their spatial extent.

Map B provides a summary of additional information on Valued Ecosystem Components and Valued Socio-economic Components, and also includes an illustration of water management areas.

***Notes**

The Plan has no force or effect unless and until it is jointly accepted by the Minister of Northern Affairs, Minister of Environment for Nunavut and designated Inuit organizations, and is approved by the Governor in Council and the Executive Council of Nunavut in accordance with the *Nunavut Planning and Project Assessment Act*. Take notice that the foregoing is intended to be an executive summary of the Nunavut Land Use Plan and does not identify all prohibitions, requirements, rights, duties and other obligations set out in the Plan. It is expressly not intended to provide any advice or guidance, whether legal or otherwise, on the interpretation of the Plan itself, the Nunavut Planning and Project Assessment Act or other laws. Readers are directed to inform themselves of the contents of the Plan and their legal rights and obligations under the Plan and applicable laws.



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