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Nunavunmi Parnaiyiit
Nunavut Planning Commission
Commission d'Aménagement du Nunavut

Developing the Draft Nunavut Land Use Plan

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1. What is Land Use Planning?

Land use planning is a process that supports the appropriate use of land. Consideration is given to current and potential uses and values, as well as future needs and goals. The Canadian Institute of Planners defines planning as:

'the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities.'

Land use plans identify where activities can take place, and can also provide direction for the manner in which those activities should be carried out. The result of this direction is to reduce conflicts between potentially incompatible uses of land and to help communities achieve their goals.

Land use planning for resource use and development provides a key first step in an integrated regulatory system. Land use plans may identify appropriate uses for land, but project proposals that are supported by a land use plan still require all necessary permits, licenses and authorizations before they can proceed. Land use planning can provide general direction for land use, and the remainder of the regulatory process ensures that those uses that are supported by the land use plan are carried out in an appropriate manner. A successful land use plan is a way to realize an overall vision for an area by guiding land use in a way that cannot be achieved by focusing on individual projects.

Land use planners are responsible for designing planning processes that encourage the involvement of a wide range of participants, and ensuring all voices are heard. They gather information from all parties and translate it into a land use plan that attempts to balance everyone's interests. Balancing these interests often involves difficult decisions that require careful consideration from all parties.

Residents of a planning region play a key role in setting priorities for how land should be used. Because the well being of communities is often the central focus of land use planning, it is important to encourage the involvement of residents throughout the planning process.

Planning can address a wide range of issues, including natural resource use, environmental protection, infrastructure development, and recreation. Because of this, planners often rely on detailed specialist information from government and other stakeholders that they translate into a land use plan.

Planners guide the planning process and prepare land use plans, but the content of the plan is governed by the input they receive. The success of a land use plan depends on the active involvement of all stakeholders.

2. Planning under the Nunavut Land Claims Agreement

The Nunavut Planning Commission is established under the Nunavut Land Claims Agreement (NLCA) as an Institution of Public Government (IPG) with responsibilities that include:

- establishing broad planning policies, objectives and goals for the Nunavut Settlement Area (NSA);
- developing land use plans that guide and direct resource use and development in the Nunavut Settlement Area; and
- determining whether project proposals are in conformity with land use plans.

In fulfilling its responsibilities, the Commission is guided by the principles and requirements set out in Article 11 of the NLCA. Of particular significance, is the guidance provided in Section 11.2.1 of the NLCA:

- (a) people are a functional part of a dynamic biophysical environment, and land use cannot be planned and managed without reference to the human community; accordingly, social, cultural and economic endeavours of the human community must be central to land use planning and implementation;*
- (b) the primary purpose of land use planning in the Nunavut Settlement Area shall be to protect and promote the existing and future well being of those persons ordinarily resident and communities of the Nunavut Settlement Area taking into account the interests of all Canadians; special attention shall be devoted to protecting and promoting the existing and future well-being of Inuit and Inuit Owned Lands;*

These principles direct the Commission to give primary consideration to the well being of the human community, and are at the forefront of all of the Commission's decisions.

The NLCA provides the foundational outline of how land use planning is to be carried out in the NSA. While the NLCA cannot be comprehensive on all aspects of land use planning, its content forms the basis of all of the Commission's work. In general, the exact details of how planning occurs are at the discretion of the Commission, but all decisions must be consistent with the intent of the NLCA.

2.1 Broad Planning Policies, Objectives and Goals

The NLCA identifies the establishment of broad planning policies, priorities, objectives, and goals as a key first step in the development of land use plans, and the plans developed by the Commission must be consistent with them. Section 11.2.3 provides guidance on factors to consider:

11.2.3 In developing planning policies, priorities and objectives, factors such as the following shall be taken into account:

- (a) economic opportunities and needs;*

(b) community infrastructural requirements, including housing, health, education and other social services, and transportation and communication services and corridors;

(c) cultural factors and priorities;

(d) environmental protection and management needs, including wildlife conservation, protection and management; and

(e) energy requirements, sources and availability.

2.3 Development and Review of Land Use Plans

The Commission must develop land use plans that guide and direct resource use and development in the NSA. The plans must be consistent with the broad planning policies, objectives and goals and reflect the priorities and values of the residents of the planning region. The NLCA includes a variety of social, cultural, economic, and environmental factors to consider in the development of land use plans, and includes the following foundational statement:

11.3.2 The purpose of a land use plan shall be to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, taking into account the interests of all Canadians, and to protect, and where necessary, to restore the environmental integrity of the Nunavut Settlement Area.

The NLCA also provides general direction regarding the plan development process. Part 5 of Article 11 outlines the following general steps for the Commission to follow:

- Conduct broad consultations
- Prepare a draft land use plan
- Make the draft plan public
- Solicit written and oral comments on the draft plan
- Conduct public hearings on the draft plan
- Consider feedback on the draft plan
- Revise the draft plan and make it public
- Submit the revised draft plan and a written record of the public hearings to government

Land use plans developed by the Commission must be approved by the appropriate Ministers from the Government of Canada and the Government of Nunavut before they take effect.

Once the plan is approved, amendments to the plan may be proposed at any time. The proposals will be reviewed publically, if appropriate, and the Commission will recommend to the Ministers that the proposed amendment be accepted or rejected. Land use plans are also subject to periodic review to ensure they remain current.

2.4 Implementation of Land Use Plans

The successful implementation of land use plans requires a coordinated effort from the Commission, government, and other IPGs. Under the NLCA, the Commission is responsible for determining whether project proposals conform to the requirements of land use plans:

11.5.10 The NPC shall review all applications for project proposals. Upon receipt and review of a project proposal, the NPC or members thereof or officers reporting to the NPC shall:

- (a) determine whether the project proposals are in conformity with plans; and*
- (b) forward the project proposals with its determination and any recommendations to the appropriate federal and territorial agencies.*

While the Commission is responsible for determining if project proposals conform to the land use plan, government plays a key role in ensuring the requirements of the plan are implemented appropriately:

11.5.9 Upon approval by Cabinet and the Executive Council, the plan shall be implemented on the basis of jurisdictional responsibility. All federal and territorial government departments and agencies shall conduct their activities and operations in accordance with the plan as approved.

3. The Commission's Planning Approach

The land use planning profession supports a wide range of approaches that all have strengths and weaknesses that depend on the nature of the planning being done. Planning for a jurisdiction as large as the NSA is a unique undertaking, and for many aspects there are few established precedents.

After careful consideration, the Commission has developed a Nunavut-specific approach to land use planning that takes into account the requirements of the NLCA, best professional planning practice, previous northern experience, and the many unique aspects of planning in the NSA.

3.1 Overview of Roles and Responsibilities

The Commission

The Commission's planning approach is ultimately guided by the NLCA, which directs the Commission to establish broad planning policies, objectives and goals, and to prepare land use plans that guide and direct resource use and development. The Commission has the responsibility to design a land use planning process that fulfills the requirements of the NLCA and leads to a successful land use plan.

The Public

The public plays a key role in setting the content of the plan. Section 11.2.1(c) requires that *'the planning process shall ensure land use plans reflect the priorities and values of the residents of the planning regions'*. The need to adequately consult with residents across such a vast planning region is a defining aspect of the Commission's approach.

Government

As set out in the NLCA, Government is ultimately responsible for the approval of land use plans and plays an important role in the development of plan content and its implementation. Government departments often possess specialized information that is necessary to make informed land use planning decisions. The Commission works closely with various departments throughout the planning process to ensure a thorough understanding of these complex issues.

3.2 A Single Plan for the NSA

Following the signing of the NLCA in 1993 until 2005, the Commission prepared land use plans for the NSA on a regional basis, with six separate planning regions. During this time, the revised *North Baffin Regional Land Use Plan* (2000) and the *Keewatin Regional Land Use Plan* (2000) were approved. Land use plans were never approved for the remaining four regions.

Following the Commission's approval of the Broad Planning Policies, Objectives and Goals for the NSA in 2007, the Commission began to focus on the development of a single territory-wide Nunavut Land Use Plan, as required under Section 11.5.1 of the NLCA. This territory wide plan will replace existing regional plans, once approved.

With the development of a single plan, efforts can be focused on addressing a limited number of priority issues that apply across the NSA, as well as on regional issues where there is general agreement on

management direction. This will allow some issues to be addressed sooner than they may otherwise be, and will create a framework that more detailed regional and sub-regional planning can be added to through land use planning study, consultations, plan amendments and periodic review.

3.3 Incremental Planning

The Commission is taking an incremental approach to the development of the Nunavut Land Use Plan. Since it is not feasible to develop a completely comprehensive land use plan for such a vast area in a reasonable timeframe on a reasonable budget, choices need to be made regarding which issues are addressed in a 'first generation' plan. The term 'first generation' is used to imply that the planning process anticipates further planning that will build upon the framework being established in the initial plan. This approach is supported by land use planning best practices and the Commission's approved Broad Planning Policies, Objectives and Goals.

The current Draft Plan reflects the information available to the Commission at the time it was drafted, and is intended to encourage discussion and provide an illustration of how a Nunavut Land Use Plan may guide and direct resource use and development, once approved. As consultations on the Draft Plan take place, it is anticipated that additional regional and sub-regional issues will be identified. In some cases, the Commission may have enough information on these additional issues to make sound planning decisions. In other cases, the issues may require additional research and discussions before informed decisions can be made.

Because of the potential number of issues that could be identified, the Commission intends to identify issues that need additional discussion as part of the Implementation Strategy and defer that work until after the initial plan is submitted for approval. This will ensure that some issues are addressed in a timely manner and additional time can be given to others that require more consideration. The issues that are addressed in the first generation plan will only be those for which the Commission is able to make informed decisions at the time of submission.

Once the plan is approved, amendments to the plan may be proposed at any time. The Commission anticipates a series of plan amendments will be required to update the plan to reflect the additional planning that takes place on issues that have been deferred.

3.4 Overview of the Plan Development Process

The plan development process is being guided by an eight step process:

- Step 1 - Identification of Regional Land Use Issues*
- Step 2 - Identification of Vision, Core Values and Goals*
- Step 3 - Information and Data Collection and Analysis*
- Step 4 - Land Use Options*
- Step 5 - Decisions*
- Step 6 - Plan Evaluation and Approval*
- Step 7 - Implementation*
- Step 8 - Monitoring*

The process is cyclical, and it is important to recognize that as the planning process moves forward there is not a smooth linear transition from one step to the next. For example, the identification and

prioritization of land use issues can be an ongoing activity that overlaps with later steps. This overlap between steps can be even more pronounced in an incremental planning process.

Within this planning framework, the Commission has made adjustments to take into account the requirements of the NLCA and the unique challenges of working in a jurisdiction as large as the NSA.

There are three key points that are necessary to understand the adjustments that have been made:

- The establishment of broad planning policies objectives and goals, as required under Section 11.4.1(a) of the NLCA, has provided essential foundational guidance for the development of land use plans.
- It is difficult for the Commission to conduct more than one round of meaningful community visits for the entire NSA in a reasonable timeframe and on a reasonable budget.
- The NSA is a prime example of a jurisdiction where incremental planning can be successful.

Based on these considerations, the Commission decided that the most effective way to develop a Nunavut Land Use Plan would be to:

- take an incremental land use planning approach, and
- prepare a Draft Plan based on 11.4.1(a), available information, expert advice and broad consultations in advance of community visits.

The Draft Plan is intended to encourage discussion by providing an example of the issues the Commission is currently aware of and showing residents how the Nunavut Land Use Plan might function, once approved. The Draft Plan provides a framework on which to include additional feedback.

With these considerations in mind, the Commission has undertaken the following activities:

1.) *Establish Broad Planning Policies, Objectives and Goals for the NSA*

(November 2007)	Commission approved the Broad Planning Policies, Objectives and Goals document that was developed in close consultation with Government and Nunavut Tunngavik Incorporated
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2.) *Information and Data Collection and Analysis*

(2004-2012)	Conducted Use and Occupancy mapping interviews with over 400 Nunavut residents
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(August 2008)	Completed <i>Socio-Demographic and Economic Sector Analysis</i> to compile baseline information
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(October 2008)	Completed <i>Nunavut Wildlife Resource and Habitat Values</i> report to compile current state of knowledge
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(May 2009)	Completed <i>Cumulative Effects Referral Criteria Report</i>
(April 2009)	Distributed <i>State of Knowledge in Maps</i> report to solicit feedback on collected information
(ongoing)	New information considered as it becomes available

3.) Identification of Land Use Issues

(2008-2009)	Conducted internal review of NPC research and documentation to identify potential land use planning issues.
(2007-2010)	Conducted telephone interviews, and sent letters and surveys to planning partners requesting identification of land use planning issues. Continued to work with parties that identified issues to refine understanding and recommended management requirements
(Spring 2010)	Publically distributed the Priority Areas Map to request feedback on areas and issues that have been identified
(2012-2013)	Will visit all Nunavut municipalities to identify further issues important to communities and gather feedback on Draft Plan

4.) Land Use Options

(Spring 2010)	Hosted three Technical Workshops with Planning Partners involved in the issuance of permits, licenses and authorizations to develop methods to address the land use issues that had been identified
(2010-2011)	Prepared three working drafts of the plan to develop concepts for consideration, and distributed for feedback to planning partners involved in the management of lands and resources
(2011)	Prepared Options and Recommendations document that considers all available information and provides policy guidance for the Draft Plan
(2012)	Prepared a Draft Nunavut Land Use Plan for consideration

5.) Decisions

(2012)	Commission approved Draft Plan for public consultation, and document was made public for feedback
(2012-2014)	Will visit all Nunavut municipalities, the Manitoba and Athabasca Denesuline, and the Inuit of Nunavik to identify issues important to communities and gather feedback on Draft Plan
(2014-2015)	Will host a public hearing to review feedback on the Draft Plan

(2014- 2015) Will revise Options and Recommendations document based on feedback and prepare a revised Draft Plan

Decisions will be made regarding which issues will be addressed in the first generation plan and which ones will be deferred to subsequent iterations

6.) Plan Evaluation and Approval

(2014-2015) Will submit revised Draft Plan to Government for consideration and approval

7.) Implementation

(Following Submission) Following submission of the Draft Plan for approval, any planning studies and initiatives identified in the Implementation Strategy of the plan will be implemented.

(Following approval) Following approval of the Nunavut Land Use Plan, the Commission will review all project proposals and determine if they are in conformity with the Plan.

8.) Monitoring

(Following approval) Monitor project proposals to ensure they are in conformity with the Nunavut Land Use Plan

The overlap between many of these steps in an incremental planning process needs to be stressed. For example, issues will be identified during consultations on the first generation Draft Plan that will need additional time to carefully consider. The Commission intends to continue to collect information, develop options, and make recommendations through plan amendments once the Draft Plan is submitted to government for consideration. In this way, the plan will continue to incrementally improve as additional issues are addressed.

4. Draft Nunavut Land Use Plan and Supporting Materials

4.1 Overview

The Nunavut Planning Commission has prepared a Draft Nunavut Land Use Plan to encourage discussion on land use planning in the Nunavut Settlement Area. The Draft Plan provides an illustration of how the Nunavut Land Use Plan may guide and direct resource use and development, once approved. The Commission is using the Draft Plan to focus discussions with communities and other stakeholders.

The Draft Plan is supported by a number of additional documents and resources, including:

- *Nunavut Planning Commission Broad Planning Policies, Objectives and Goals* (2007)
- *Draft Nunavut Land Use Plan Options and Recommendations* (2011/2012 – ongoing)
- Online Consultation Record (ongoing)
- Background Report (Not to be completed until plan is submitted for approval)
- *Working Together: Implementing the Nunavut Land Use Plan* (2012 – ongoing)

The Draft Plan has been prepared based on NLCA requirements, the Commission's Broad Planning Policies, Objectives, and Goals, and the considerations outlined in the Options and Recommendations document. The Options and Recommendations document is further supported by the information contained in the Commission's online Consultation Record, as well as a comprehensive Background Report, which is being compiled. Working Together supports the successful implementation of the Nunavut Land Use Plan, once approved.

This section provides a brief overview of the documents and resources that have been prepared to support the Draft Plan.

4.2 Broad Planning Policies, Objectives and Goals

In November 2007, the Commission approved the Broad Planning Policies, Objectives and Goals document, as required under NLCA 11.4.1(a). The document establishes five broad goals for land use planning in Nunavut:

- Strengthening Partnership and Institutions;
- Protecting and Sustaining the Environment;
- Encouraging Conservation Planning;
- Building Healthy Communities, and
- Encouraging Sustainable Economic Development.

These goals are supported by 106 policies and objectives. These policies, objectives and goals provide important foundational guidance for the Nunavut Land Use Plan, and they have been incorporated into the Draft Plan.

4.3 Options and Recommendations

A *Draft Nunavut Land Use Plan Options and Recommendations* (2011/2012) document has been prepared to inform the Draft Plan. The purpose of the document is described as follows:

“This document has been prepared to inform the draft Nunavut Land Use Plan (the Plan). It offers policy direction for land and resource use in the Nunavut Settlement Area (NSA) that;

- *recognizes competing land use interests and provides a balanced response that builds on strengths and opportunities in the Territory;*
- *promotes economic opportunities, environmental management, conservation initiatives, and community priorities;*
- *reflects direction provided by planning partners, existing planning policy and pertinent land use and development reports; and*
- *is flexible enough to respond to changing priorities and additional information.*

This document is intended to evolve over time to include additional information as it becomes available.”

The 2011/2012 document outlines the information that was considered at the time it was drafted to support the current Draft Plan. As the Commission receives feedback on the Draft Plan and additional information, these considerations will be updated, and the recommendations of the document may change. The document also includes a series of maps that illustrate various spatial considerations that have been identified for each site.

The Options and Recommendations document will be updated as new information becomes available and will be completely updated to inform revisions to the Draft Plan.

4.4 Consultation Record

The Commission’s website hosts a record of consultations that have taken place to date. This record plays an important role in supporting the informed involvement of all parties in the land use planning process. It will be continuously updated as additional consultations take place. Records can currently be sorted and searched by date, step in the consultation process, or by group.

Due to the large volume of information being posted, the Commission will generally only include documents in the language in which they are submitted. It is not the Commission’s responsibility to translate documents provided by other parties.

4.5 Background Report

A comprehensive background report is being prepared to include all of the information that the Commission considered when preparing the Draft Plan. All of the information that is referenced in the Options and Recommendations document will be available in the Background Report. This will provide an important record of everything that was considered by the Commission when the plan was prepared, and will be valuable when considering plan amendments and conducting periodic reviews in the future.

4.6 Working Together: Implementing the Nunavut Land Use Plan

Working Together is being prepared in consultation with planning partners to support the implementation of the Nunavut Land Use Plan, once approved. The purpose of the document is described as follows:

'Plan Implementation is dependent on an open, transparent and collaborative decision making framework that involves cooperation and communication with all of NPC's planning partners. The NPC recognizes that in order for the NLUP to be implemented effectively, it must rely on and work cooperatively with all its planning partners. The NPC is committed to working together to successfully and effectively implement the policies and objectives of the NLUP.'

Working Together has been prepared to provide an understanding of the tools the NPC and other regulators use to implement the policies and objectives of the NLUP. It builds on the open, transparent and collaborative decision making framework as outlined in the NLCA, the NPC's Broad Planning Policies and Objectives and the NLUP.

Working Together has been prepared by the NPC to inform those considering development in Nunavut, as well as planning partners and all interested Nunavummiut how the NLUP is implemented. It is intended to build on and be read in conjunction with the Implementation Strategy contained in the NLUP.

Working Together provides an overview of:

- *the key policy direction for implementation of the NLUP;*
- *the jurisdictional responsibilities of Nunavut land owners, land regulators and land managers and the role they have in the implementation of the NLUP;*
- *the NPC's role and responsibilities and the tools used by NPC in implementing the NLUP;*
- *Implementations role in informing the continued evolution of the NLUP;*

Working Together has been prepared in conjunction with the NPC's planning partners. It promotes co-operative land use planning and land management in the NSA. '

The Commission expects that this document will 'evolve' based on continued discussions with planning partners involved in the regulatory process. It is hoped that agreement on a final version of *Working Together* will coincide with the approval of the Nunavut Land Use Plan. The final document will reflect the shared regulatory vision for Nunavut and will provide a valuable resource for those working with the plan.