The Nunavut Planning Commission is in the process of developing a territory-wide land use plan for Nunavut. The new land use plan will replace existing regional land use plans in Nunavut, including the Keewatin Regional Land Use Plan, which currently regulates land use in the Kivalliq region. Therefore, for better or for worse, the new territorial land use plan may significantly change the way mining proceeds in the region.

Land use plans stipulate what sort of activities can take place in different areas, and under what conditions. They are intended to manage potential land use conflicts by balancing different interests and land uses. In Nunavut, conflicts between the interests of the mining industry and the interests of Indigenous hunters is one of the most significant and difficult conflicts land use planners will need to address.

The land use planning process has revealed an apparent divide in the Kivalliq region on how lands should be managed. The federal government, the Government of Nunavut’s Department of Economic Development and Transportation, and Nunavut’s representative Inuit organizations have all taken the position that as much land as possible should be kept open to mining and exploration under the new land use plan. In general, these institutions seem hostile to creating new conservation areas through land use planning. This position is based on a desire to create a positive climate for investment, and a fear that setting aside additional areas for conservation will discourage investment. Some of these institutions have taken the position that no new conservation areas should be created under the plan, while others have adopted positions that would make it difficult for the planning commission to create land use designations which ban mining and exploration in new areas. The Federal Government, the Government of Nunavut, and Nunavut Tunngavik Incorporated must approve land use plans developed by the commission. Therefore, these institutions’ aversion to new conservation areas will likely have a substantial influence on the final outcome of the planning process.

On the other hand, many Nunavummiut want the land use plan to set aside additional areas from mining and exploration for cultural and ecological reasons. This position is shared by various hunters and trappers organizations and the regional wildlife management board in the Kivalliq. This position is based on frustration and concern with the increasing pace of mineral extraction in the region. These
concerned organizations and community members are participating in the planning process through consultation meetings and written submissions to the planning commission. However, it is unclear what influence this participation will have on the final land use plan.

The conflict between hunting and mining interests is most apparent in the question of the protection of caribou calving habitat. Hunters and trappers organizations from the Kivalliq, Nunavut’s regional wildlife management boards, the Beverly and Qamanirjuaq Caribou Management Board, and a number of Indigenous communities in Saskatchewan and the Northwest Territories have called for a ban on mining in caribou calving grounds under the new land use plan. This position seems to put these institutions in conflict with the Federal Government, Nunavut’s representative Inuit organizations and some sections of the Government of Nunavut’s bureaucracy.

An aversion to new conservation areas
Under the Nunavut Land Claims Agreement, the Nunavut Planning Commission (NPC) is responsible for developing and implementing land use plans in Nunavut. Through the development of land use plans, the NPC has the authority to create land use designations that prohibit mining and exploration in areas previously open to industrial activity. The NPC can, in effect, create new “conservation areas.” However, the final land use plan the NPC creates must be approved by the Government of Canada, the Government of Nunavut, and Nunavut Tunngavik Incorporated, before it can be implemented.

Following years of communication with federal and territorial governments, Inuit organizations, the mining industry, and community organizations, the NPC released the Draft Nunavut Land Use Plan to the public in October 2012. In some instances, the new draft land use plan provides weaker protection for the land and decreased opportunity for public control over mining than the current Keewatin Regional Land Use Plan. For example, the new draft plan does not require exploration companies to abide by the federal government’s Caribou Protection Measures in sensitive caribou habitat. The new plan also does not provide the people of the Kivalliq region the right to refuse uranium mining proposals. Stipulations for the implementation of Caribou Protection Measures and popular control over uranium mining are included in the existing Keewatin plan.

NPC began touring Nunavut communities in 2012 to hold open houses and workshops on the draft plan. This process is scheduled to be complete by this summer. Comments on the draft plan were due in early April and NPC will hold a public hearing in November. After making revisions to the plan, NPC will submit it to the Government of Canada, the Government of Nunavut (GN), and Nunavut Tunngavik Incorporated (NTI) for approval.

The Government of Canada, the Government of Nunavut’s Department of Economic Development, and Nunavut’s representative Inuit organizations have submitted comments on the draft land use plan. In these comments, and in their earlier submissions, all three have taken the position that as much land as possible should remain open for mineral exploration and mining.

The federal government has jurisdiction over and administers mining and exploration on crown lands in the territory. In a submission to the NPC, dated April 5 2014, the federal government stated that the land use plan for Nunavut should ensure that the majority of the territory be kept open to mineral development. “If a land use plan attempts to pre-determine where exploration or mining can take place and where not, the net effect is to discourage exploration and decrease investment.” The submission suggests keeping all areas open to mineral exploration, with the exception of “communities, wildlife sanctuaries, reserves, and... other areas defined as ecologically important.” However, it does not provide any comment on what sort of “important” areas, if any, should receive new restrictions.

The GN’s Department of Economic Development and Transportation wrote to the NPC on September 24, 2013, expressing a concern that placing restrictions on land use in some areas may “unnecessarily eliminate the potential benefit the territory may derive from the mineral wealth of the area.” The letter requests that no new conservation designations be created until further geological research and mineral assessments have been carried out.

This position is not necessarily shared by the GN as a whole. However, the Department of the Environment (DOE) has yet to provide comment on the draft land use plan. On April 10, 2014, GN DOE Minister Johnny Mike wrote to the NPC, informing the commission that it would be unable to meet the deadline for comments. Percy Kabloona, acting chair of the NPC responded to Mike’s request for an extension on April 14. Kabloona wrote, “the inability of the GN to provide data and feedback
into the planning process has been a recurring concern of the NPC.” The letter concludes that the NPC staff “will consider a future submission as time permits.”

Nunavut’s representative Inuit organizations — NTI and three regional Inuit Associations — manage and administer Inuit Owned Lands (IOLs), lands to which Inuit hold title as a result of the Nunavut Land Claims Agreements (NLCA). Early in the planning process, NTI adopted a position which, if maintained, would impede the ability of the NPC to create land use designations that prohibit mining and exploration in areas previously open to industrial activity. According to the planning commission’s Options and Recommendations document, in early submissions NTI had adopted the position that a land use plan should not place any restrictions on IOLs. It is questionable whether or not this position, if it extends to surface IOLs, is consistent with the intent of IOLs under the NLCA. Article 17 of the agreement states that IOLs should contain a mixture of areas of value for renewable resource development, areas of value to non-renewable resource development, areas of commercial value, and areas of cultural significance. The article further states that the selected IOLs should provide a balance of these characteristics to help encourage “balanced development” in Nunavut. A blanket opposition to restrictions on activities on IOLs appears to be a poor strategy to achieve “balanced development.” It would seemingly make it impossible for the NPC to apply designations which prohibit mining and exploration where IOLs are located, even if these parcels were originally selected for renewable resource or cultural purposes.

On September 25, 2013, the Kivalliq Inuit Association (KivIA) submitted comments on the draft land use plan. The submission recommended a “flexible” approach to land management, and discouraged the creation of new conservation areas. “It is important that certainty and flexibility be a large part of any land use planning in Nunavut versus setting aside large areas for conservation.”

NTI submitted comments on the draft land use plan in March of 2014, which might hint at a change from the previous position that there should be no restrictions placed on IOLs. This submission simply requested “consultation to gain clarification” on the impact of the new land use plan on a list of IOL parcels.

However, later comment by the Kitikmeot Inuit Association (KitIA) on April 11 was much more openly hostile to the creation of conservation areas. The KitIA repeated NTI’s original position that land use should not be restricted on IOLs, to “enable Inuit to use the land as they see fit and to exercise their rights as landowners to act as stewards of their own lands.” The KitIA also requested a much more onerous process for the creation of new conservation areas in the future. The submission recommended that “proponents of conservation areas provide a comprehensive and modern multi-
use geological and ecological resource inventory” so that Inuit may “understand the opportunity costs associated with the establishment of such areas before decisions are made.” The KitIA’s submission also indicates an interest in opening existing conservation areas, like the Thelon Game Sanctuary, to mining development. The submission requests the federal government “complete a modern geological, economic, and ecological resource inventory” for existing conservation areas.

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Hunters press for new conservation areas

The NPC held meetings in Kivalliq communities in the fall of 2013. At the time of writing, only documentation for the meetings in Baker Lake and Chesterfield Inlet had been released. Each community visit involved public meetings, community mapping sessions, and meetings with elected officials from the community. The documentation of these meetings reveal that some members of both communities are frustrated with the pace and scale of mineral exploration in the region, and want specific lands protected from development through new conservation areas.

According to the NPC summaries, residents of both Baker Lake and Chesterfield Inlet indicated that they want employment and other local development from mining. However, the summaries also record statements that suggest at least some residents feel they are at the bad end of a colonial land grab. In a public meeting in Baker Lake, one resident is recorded as saying, “[The] Community itself is being eaten alive. The land is disappearing. They go deep into the ground. If I took and [sic] shovel and went down south and dug their ground up they would not be happy.” At the community mapping sessions in both communities, residents selected lands they want set aside from development for cultural and ecological reasons.

The Baker Lake and Chesterfield Inlet Hunters and Trappers Organizations (HTOs) attended the meetings between local officials and the NPC in their respective communities. HTOs are community organizations with recognized authority under the land claims agreement. Each community in Nunavut has an HTO, with an elected board, which represent the interests of local hunters. Both HTOs complained that their hunting grounds have been overrun with mining and exploration activity. It has become increasingly difficult to hunt caribou and sea mammals, they said, because mining, exploration, and associated air-traffic and marine shipping have disturbed wildlife habitat. The Baker Lake HTO submitted a map at the meeting, indicating lands they want protected.

The Baker Lake HTO had previously requested the opportunity to have lands set aside from resource extraction. In 2007, NTI held a consultation meeting in Baker Lake on a draft policy to support uranium mining. The Baker Lake HTO requested that the final policy should contain a chapter which identifies areas where hunters in Baker Lake do not want uranium mining and exploration to take place. This work was never done, and no such section exists in NTI’s policy today.

Concerns with the pace and scale of mineral exploration and mining in the Kivalliq are currently high, in large part because of a proposal from AREVA Resources Canada Inc. to operate a uranium mine in the region. The proposed Kiggavik uranium mine would involve four open pits, an underground operation, a mill, road infrastructure, an airstrip, and the storage of radioactive tailings in a permafrost environment for perpetuity. The mining complex would be located 80 kilometers west of the community of Baker Lake. AREVA’s proposal is currently under review by the Nunavut Impact Review Board (NIRB). AREVA’s proposal is an expanded version of an earlier proposal to mine at Kiggavik, submitted by Urangesellschaft in 1989. Urangesellschaft eventually withdrew the proposal in response to massive public opposition.

The Kiggavik uranium mine, if approved, may alter the face of mining development in the Kivalliq. The Baker Lake area is surrounded by uranium mineralization, including in important cultural areas and caribou habitat. If AREVA is permitted to construct milling and transportation infrastructure, other projects in the area could use this infrastructure, decreasing overhead costs. This is how the uranium industry works in Saskatchewan, with AREVA and Cameco regularly using infrastructure from one another to increase the profitability of new projects. The price of uranium is currently low, likely too low for the Kiggavik project to be profitable. However, if the price of uranium rises enough to make Kiggavik viable — and regulators approve and licence the proposal — a new rush of exploration and mining for uranium will likely come to the Kivalliq.

This problem of “induced development” has been a central source of concern with the Kiggavik project since it was first proposed in the 1980s. Joan Scottie, an Inuit activist from Baker Lake, told the 1992 World Uranium Hearing in Austria, “while the environmental assessment is just about this one proposed mine, we knew there is a lot of uranium
in our region. It’s in the same geological formation as Northern Saskatchewan, and we knew from the experience there that once one mine is approved the Aboriginal people completely lose control of their future.”

Concerns with induced development have been raised repeatedly during the current review of the Kiggavik proposal by the Baker Lake HTO, the Beverly and Qamanirjuaq Caribou Management Board, and Nunavummiut Makitagunarningit. It seems reasonable for hunters in the Kivalliq region to expect government to help set aside lands and protect them from mining before approving a project like Kiggavik.

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**Caribou calving grounds**

The question of how sensitive caribou habitat — especially calving and post-calving grounds — will be managed is one of the most difficult conflicts the NPC has to deal with. Several HTOs in the Kivalliq region, all three of Nunavut’s regional wildlife management boards, the Beverly and Qamanirjuaq Caribou Management Board (BQCMB), and numerous Indigenous communities from the Northwest Territories and Saskatchewan have called for mining and exploration to be banned in caribou calving grounds. However, there has been a lack of acknowledgement of this movement, and a lack of support for it, from the federal government, the Government of Nunavut, and Nunavut’s representative Inuit organizations.

The BQCMB is an inter-jurisdictional co-management board, consisting of government representatives and members from communities located throughout the ranges of the Beverly and Qamanirjuaq caribou herds. The BQCMB is mandated by the federal, provincial, and territorial governments to make recommendations to government about the management of the Beverly and Qamanirjuaq caribou herds. The importance of calving and post-calving grounds to the long-term sustainability of Northern caribou herds was described by the BQCMB in a 2004 position paper:

Caribou cows during calving and post-calving are both responsive to disturbance and highly vulnerable. Recent research has shown that the cows need uninterrupted foraging time to produce milk until calves becomes foragers at about 3 weeks after birth... This 3-week period is the time when calves are most sensitive to the maternal and environmental conditions that affect their growth, and when they are most vulnerable to predation. Cows and calves are also particularly vulnerable during calving and post-calving periods because they gather together in groups. It is therefore critical to avoid both disturbance of cows and calves during the calving and post-calving periods, and destruction of calving and post-calving habitats.

Mineral exploration in calving grounds in Nunavut is currently regulated through Caribou Protection Measures (CPMs). CPMs were created by the federal government in 1978, in response to political agitation by Inuit in Baker Lake who were frustrated with mineral exploration in their hunting grounds. CPMs provide temporary seasonal protection for caribou calving grounds by requiring exploration companies to cease operations if significant numbers of caribou are in the vicinity during the calving season.

However, some question whether the CPMs offer sufficient protection. The BQCMB’s 2004 position paper notes that the CPMs were designed to regulate exploration, not mining, and therefore do not provide for the protection of calving habitat. The position paper further argues that the government monitoring program on which the CPMs depended ended in 1991, leaving the application of CPMs largely to industry itself, and raising serious questions about enforcement. The BQCMB’s position paper concludes that long-term legislated protection (in the form of a ban on exploration and mining in calving and post calving grounds) is necessary to protect the long-term sustainability of the Beverly and Qamanirjuaq caribou herds.

The BQCMB has made numerous submissions to the NPC, all of which have called for exploration and mining to be banned in these calving and post calving grounds under a new land use plan. Since 2006, the BQCMB has submitted comments to NIRB during screenings and reviews of proposed exploration and mining projects in the herds’ ranges. These submissions repeatedly stated the board’s opposition to projects located in caribou calving and post calving areas.

Several HTOs in the Kivalliq have voiced opposition to mining in caribou calving grounds. The Baker Lake and Repulse Bay HTOs both wrote to the NPC in 2013, expressing their opposition to mining and exploration in calving grounds. In 2011 and 2012, HTOs from Arviat, Chesterfield Inlet and Baker Lake passed motions specifically opposing Anconia Resources Corp.’s Victory Lake exploration project (located in the Qamanirjuaq calving grounds) and submitted them to NIRB.

All three of Nunavut’s regional wildlife boards
wildlife management boards which consist of the chairs of the HTOs of the respective region – have also opposed mining in calving grounds. The Kivalliq Wildlife Board unanimously passed a motion in February 2013, stating the board “strongly opposes any form of exploration and/or development in the Kivalliq calving and post-calving grounds.” Letters of support for this motion were sent by the Qikiqtaaluk Wildlife Board in March and Kitikmeot Regional Wildlife Board in May of 2013.

Some Indigenous communities in Saskatchewan and the Northwest Territories depend on the migrating caribou herds that calve in Nunavut. Many of these communities have therefore opposed mining and exploration in caribou calving grounds in Nunavut due to concerns with trans-boundary impacts. Lutsel K’e Dene First Nation, the Athabasca Denesuline Negotiating Team, the Northwest Territory Métis Nation, and the Fort Smith Métis Council have all submitted comments to the NPC requesting that mining and exploration in caribou calving grounds be banned under the new Nunavut Land Use Plan. Further, the Athabasca Denesuline, Lutsel K’e, the Yellowknives Dene First Nation, and the Dene Nation have previously opposed specific proposals for exploration in Nunavut calving grounds through NIRB screenings.

The federal government’s submissions to the NPC did not specifically mention the issue of calving grounds. However, its submission did express an aversion to the creation of large conservation areas, and the federal government has licenced many exploration projects in Nunavut’s calving grounds. It is difficult to determine the GN’s position on mining and exploration in calving grounds. The Department of Economic Development and Transportation’s submission to the NPC clearly indicates opposition to the creation of new conservation areas, while the Department of Environment’s position remains unknown due to its inability to meet submission deadlines. However, during NIRB screenings of proposed exploration projects in calving grounds, the DOE has repeatedly expressed serious concerns with mining in these sensitive areas. For example, during the 2011 NIRB screening of Iron Ore’s Maguse River exploration project, comments from the DOE were extremely critical of the proposal because of its location in the Qamanirjuaq herd’s calving grounds. The submission stated, “We do not support the proposal as currently submitted due to concerns that the project may have significant adverse effects on the ecosystem and will cause significant public concern.” It appears this submission was intended to trigger a full environmental review.

However, the DOE’s submission was only included as an appendix to the GN’s larger submission. The full GN submission included a cover letter from the Department of Executive and Intergovernmental Affairs, which recommended the project be approved. The project was subsequently approved by the review board. The DOE does not seem to have commented on screenings for exploration projects since 2011, with the exception of one proposal for coal exploration on Ellesmere Island, which it opposed.

NTI’s submissions to the NPC do not deal directly with the question of caribou calving grounds. However, the KivIA’s submission argues that there is currently a lack of resources to properly manage calving grounds. “A significant amount of work remains to be done to develop the types of information, policies and management tools that could be incorporated into a land use plan to provide more specific guidance and direction on land use in caribou calving grounds.” The submission suggests that Caribou Protection Measures be updated with new research.

Regardless of the stated need for more effective management tools, the KivIA has issued licences for exploration on IOLs in calving grounds, and has promoted keeping calving grounds open for mining and exploration. The bluntest statement to this end was made during the NIRB’s environmental review of Uravan’s proposed Gary Lakes exploration project in 2008. Responding to calls to have the Beverly calving grounds protected from mining through the Thelon Game Sanctuary Management Plan, NTI and KIA indicated that they did not support such protection because, “there are Inuit Owned Lands in this area, some of which where Inuit own the mineral title and where Inuit have the right to explore and mine.”

Numerous factors likely influenced NTI and KivIA to adopt this position. That said, NTI has a direct financial interest in keeping calving grounds open for development. Beyond the land use fees and royalties flowing to Inuit organizations from exploration and mining on Inuit Owned Lands, NTI owns shares in Kivalliq Energy, a uranium exploration firm which recently acquired mineral properties in the Qamanirjuaq caribou calving grounds through the purchase of Pacific Ridge’s Baker Lake Basin project.
Looking forward

It is difficult to predict what the final outcome of the planning process will be. The lack of substantive comment from the GN DOE makes it impossible to tell what position the GN as a whole will adopt on mining in calving grounds, as well as new conservation areas more broadly. This is a topic which has received no discussion in Nunavut’s Legislative Assembly historically. However, the increased opposition to mining in calving grounds may provoke Members of the Legislative Assembly to assume a more active role in the issue. It also remains to be seen how all three planning partners will respond to input from HTOs, wildlife boards, and the wider public.

The NPC itself seems to be in an extremely difficult position regarding calving grounds. The commission must develop a plan to manage caribou calving grounds without timely feedback and information from the GN DOE and in the face of rising opposition to mining and exploration in calving grounds from HTOs and regional wildlife management boards. Further, the NPC must produce a plan which will satisfy the federal government, the GN, and NTI. Regardless of what the NPC puts forward in the revised draft land use plan at public hearings this fall, one thing is certain: a lot of people will be upset with the NPC for what it produces.

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Post-Script

The NPC received submissions from the Government of Nunavut Department of Environment and Nunavut Wildlife Management Board in late May, as this issue of Northern Public Affairs was going to print. The Government of Nunavut’s submission recommended mining and exploration be banned in caribou calving grounds. The submission from the Nunavut Wildlife Management Board supported the BQCMB’s submission, and recommended mining and exploration be banned in both calving and post-calving grounds.