

ARTICLE 6

LAND USE PLANNING

PART 6.1: APPLICATION

6.1.1 In this Article:

"*land*" includes water and resources including wildlife.

6.1.2 The appropriate government departments and agencies shall be responsible for the implementation of land use plans approved in accordance with section 6.5.9.

6.1.3 This Article applies to both land and marine areas within the NMR.

PART 6.2: PLANNING PRINCIPLES, POLICIES, PRIORITIES AND OBJECTIVES

6.2.1 The following principles shall guide the development of planning policies, priorities and objectives:

- (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 NMR shall be to protect and promote the existing and future well being of those persons and communities resident in or using the NMR taking into account the interests of all Canadians; special attention shall be devoted to protecting and promoting the existing and future well-being of Nunavik Inuit and Nunavik Inuit Lands;
- (c) the planning process shall ensure land use plans reflect the priorities and values of the residents and users of the planning regions;
- (d) the public planning process shall provide an opportunity for the active and informed participation and support of Nunavik Inuit and other residents or users affected by the land use plans; such participation shall be promoted through various means, including ready access to all relevant materials,

appropriate and realistic schedules, recruitment and training of local Nunavik Inuit and other residents and users to participate in comprehensive land use planning;

- (e) plans shall provide for the conservation, development and utilization of land;
- (f) the planning process shall be systematic and integrated with all other planning processes and operations, including the impact review process contained in the Agreement; and
- (g) an effective land use planning process requires the active participation of both Government and Nunavik Inuit.

6.2.2 The objective of the planning process shall be:

- (a) to develop planning policies, priorities and objectives regarding the conservation, development, management and use of land in the NMR;
- (b) consistent with paragraph (a), to prepare land use plans which guide and direct resource use and development in the NMR; and
- (c) the implementation of land use plans.

6.2.3 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.

PART 6.3: LAND USE PLANS

- 6.3.1 A land use plan shall be a document containing text, schedules, figures and maps for the establishment of objectives and guidelines for short-term and long-term development, taking into account factors such as the following:
- (a) demographic considerations;
 - (b) the natural resource base and existing patterns of natural resource use;
 - (c) economic opportunities and needs;
 - (d) transportation and communication services and corridors;
 - (e) energy requirements, sources and availability;
 - (f) community infrastructural requirements, including health, housing, education and other social services;
 - (g) environmental considerations, including Protected Areas, as defined in Article 11, and wildlife habitat;
 - (h) cultural factors and priorities, including the protection and preservation of archaeological sites and outpost camps, as the latter term is defined in the NLCA; and
 - (i) special local and regional considerations.
- 6.3.2 The purpose of a land use plan shall be to protect and promote the existing and future well-being of those persons and communities resident in or using of the NMR, taking into account the interests of all Canadians, and to protect, and where necessary, to restore the environmental integrity of the NMR.
- 6.3.3 A land use plan shall contain an implementation strategy.

PART 6.4: NUNAVIK MARINE REGION PLANNING COMMISSION (NMRPC)

Establishment

- 6.4.1 The NMRPC is hereby established as an institution of public government with the major responsibilities to:
- (a) establish broad planning policies, objectives and goals for the NMR in conjunction with Government;

- (b) develop, consistent with other provisions of this Article, land use plans that guide and direct resource use and development in the NMR; and
- (c) generally, fulfill the objectives of the Agreement in the manner described, and in accordance with the general principles mentioned in section 6.2.1, as well as such additional functions as may be agreed upon from time to time by Government and the MDO.

6.4.2 The head office of the NMRPC shall be in Nunavik.

6.4.3 The costs of the NMRPC shall be the responsibility of Government. The NMRPC shall prepare an annual budget, subject to review and approval by Government.

Role and Responsibility

6.4.4 Consistent with the Agreement, the NMRPC shall:

- (a) identify planning regions;
- (b) identify specific planning objectives, goals and variables that apply to planning regions and are consistent with the broader objectives and goals;
- (c) contribute to the development and review of Arctic marine policy;
- (d) disseminate information and data;
- (e) solicit opinions from municipalities, residents and others about planning objectives, goals and options of the region;
- (f) prepare and circulate draft land use plans;
- (g) promote public awareness and discussion and conduct public hearings and debate throughout the planning process;
- (h) recommend plans to the Ministers;
- (i) consider modifications requested by the Ministers in the event that a draft plan is rejected;
- (j) consider amendments to a land use plan in accordance with Part 6;
- (k) determine whether a project proposal is in conformity with a land use plan;

- (l) monitor projects to ensure that they are in conformity with land use plans; and
- (m) report annually to the Ministers and the MDO on the implementation of land use plans.

Composition and Appointment

- 6.4.5 The size and makeup of the membership of the NMRPC may vary, but the Government of Canada and Territorial Government shall each recommend at least one (1) member and the MDO shall nominate a number of members equal to the total number recommended by Government. The NMRPC members shall be appointed by the Minister of Indian Affairs and Northern Development from the above-noted recommendations and nominations.
- 6.4.6 Federal and territorial public servants shall not be appointed to the NMRPC.
- 6.4.7 At least half of the membership of the NMRPC shall be residents of Nunavik.
- 6.4.8 The MDO shall have the right to substitute from time to time alternates for its nominated members in order to ensure appropriate representation for the region for which planning is being conducted at any one time. Such alternates shall be appointed in a manner consistent with section 6.4.5.
- 6.4.9 Subject to section 6.4.11, members shall be appointed for a term of three (3) years.
- 6.4.10 From nominations provided by the members recommended and nominated pursuant to section 6.4.5, the Minister of Indian Affairs and Northern Development, in consultation with the Territorial Government Minister responsible for Renewable Resources, shall appoint a further member to act as a chairperson. A member of the NMRPC may be nominated as chairperson and another member appointed under section 6.4.5.
- 6.4.11 The chairperson or other member of NMRPC may be removed for cause.
- 6.4.12 Where a vacancy occurs, a replacement member may be nominated or recommended for the remainder of the term of the vacant member by the body nominating or recommending the member under sections 6.4.5 or 6.4.10. Upon receiving the recommendation or nomination the Minister shall appoint the replacement member.
- 6.4.13 A member may be reappointed.

Matters Binding on the Nunavik Marine Region Planning Commission

- 6.4.14 The chairperson and other members shall perform their duties in accordance with:
- (a) an oath following the form set out in Schedule 5-1, taken and subscribed before assuming office before an officer authorized by law to administer oaths;
 - (b) rules relating to conflict of interest set out in applicable federal and territorial laws, provided that, where a matter before the NMRPC affects Nunavik Inuit in a general way, a member shall not be considered to have a conflict solely on the basis that the member is a Nunavik Inuk; and
 - (c) the terms of the Agreement.
- 6.4.15 The NMRPC shall conduct its business in Canada's official languages as required by legislation or policy and, upon request of any member, also in Inuktitut.

By-laws and Rules

- 6.4.16 The NMRPC shall, to the extent possible, adopt the same by-laws and rules as those of the Nunavut Planning Commission.
- 6.4.17 Subject to 6.4.16, the NMRPC may make by-laws and rules respecting:
- (a) the calling of meetings and sittings of the NMRPC;
 - (b) the conduct of business at meetings of the NMRPC and the establishment of technical panels of the NMRPC;
 - (c) the procedures for making submissions, representations and complaints to the NMRPC;
 - (d) the procedures for collecting information and opinion, including the procedures for conducting formal and informal public hearings;
 - (e) generally the manner of conducting the business of or before the NMRPC; and
 - (f) the admissibility of evidence.
- 6.4.18 In conducting its hearings, the NMRPC shall:

- (a) at all times, give weighty consideration to the tradition of Nunavik Inuit oral communication and decision making; and
 - (b) allow standing at all hearings to a MDO.
- 6.4.19 The NMRPC may, within its approved budget, engage and fix the remuneration of experts or persons having technical or special knowledge to assist the NMRPC.

Co-ordination with adjacent institutions

- 6.4.20 Legislation may, subject to any matter contained in this Agreement, enable the NMRPC to coordinate the discharge of its powers, functions and duties with other similar institutions having jurisdiction over areas adjacent to the NMR.
- 6.4.21 The NMRPC shall make best efforts to coordinate the discharge of its powers, functions and duties with adjacent institutions.

PART 6.5: DEVELOPMENT AND REVIEW OF LAND USE PLANS

- 6.5.1 A NMR land use plan shall be formulated by the NMRPC in accordance with section 6.5.4 to guide and direct short term and long term development in the NMR. Regional or sub-regional components of the land use plan shall be implemented where approved pursuant to section 6.5.9.
- 6.5.2 The first stage of the formulation of a land use plan, after such consultation as the NMRPC finds appropriate, shall be the preparation of a draft land use plan by the NMRPC.
- 6.5.3 The NMRPC shall prepare a draft land use plan in accordance with section 6.5.4 and, upon completion, shall make the draft land use plan public and solicit written and oral comments from all appropriate federal and territorial government agencies, MDOs, communities and the general public.
- 6.5.4 The NMRPC shall:
- (a) conduct public hearings on the draft plans;
 - (b) evaluate the draft plans in light of representations made at the public hearings; and
 - (c) as appropriate, revise the draft plans.

- 6.5.5 Upon completion of the process in section 6.5.4, the NMRPC shall submit the draft plan as revised along with a written report of the public hearings to the Minister of Indian Affairs and Northern Development and the Territorial Government Minister responsible for Renewable Resources. The NMRPC shall also make the revised draft land use plan public.
- 6.5.6 Upon receipt of the revised draft land use plans, the Ministers jointly shall, as soon as practicable:
- (a) accept the plan; or
 - (b) refer it back to the NMRPC for reconsideration accompanied by written reasons; the NMRPC may make the reasons of the Ministers public.
- 6.5.7 The NMRPC shall reconsider the plan in light of written reasons and shall resubmit the plan to the Ministers for final consideration.
- 6.5.8 Upon accepting a plan, the Minister of Indian Affairs and Northern Development shall seek Cabinet approval and commitment, and the Territorial Government Minister responsible for Renewable Resources shall seek approval and commitment of the Executive Council.
- 6.5.9 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.
- 6.5.10 The NMRPC shall review all applications for project proposals. Upon receipt and review of a project proposal, the NMRPC or members thereof or officers reporting to the NMRPC 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.
- The land use plan may make provision for the NMRPC to approve minor variances.
- 6.5.11 Where the NMRPC has determined that a project proposal is not in conformity with the plan, the proponent may apply to the appropriate Minister for exemption. The Minister may exempt the project proposal from conformity with the plan and shall, subject to sections 7.3.2 and 7.3.3, refer it to NMRIRB for screening. Nonconforming project proposals shall not be sent

to NMRIRB until such exemption is obtained or a variance has been approved.

- 6.5.12 Where the appropriate Minister exempts a project proposal, the Minister shall supply the NMRPC with written reasons and such reasons shall be made public.
- 6.5.13 Sections 6.5.10 to 6.5.12 shall apply where a land use plan has been approved pursuant to section 6.5.9.

PART 6.6: AMENDMENT AND PERIODIC REVIEW OF LAND USE PLANS

- 6.6.1 Government, a MDO, or any person affected by a plan, may propose amendments to the plan to the NMRPC.
- 6.6.2 The NMRPC shall consider a proposed amendment and, if it deems a review appropriate, review the proposal publicly.
- 6.6.3 Upon completion of the process in section 6.6.2, the NMRPC shall recommend to the Minister of Indian Affairs and Northern Development and the Territorial Government Minister responsible for Renewable Resources that:
- (a) the proposed amendment be rejected in whole or in part; or
 - (b) the proposed amendment be accepted, in whole or in part.
- 6.6.4 If the Ministers rejects the recommendations of the NMRPC, sections 6.5.6 and 6.5.7 shall apply *mutatis mutandis*.
- 6.6.5 An amendment to a plan shall be effective when approved by the Ministers.

PART 6.7: MUNICIPALITIES

- 6.7.1 In the event that any municipalities are created in the NMR, sections 6.7.2 to 6.7.4 shall guide land use planning for such municipalities and their involvement in land use planning.
- 6.7.2 The principles of land use planning as set out in this Article shall be applied in the development of municipal plans. The development of municipal plans shall be the responsibility of the municipalities as provided for in territorial government legislation.
- 6.7.3 In the development of a regional land use plan, the NMRPC shall give great weight to the views and wishes of the municipalities in the areas for which planning is being conducted.

6.7.4 The NMRPC and municipal planning authorities shall cooperate to ensure that regional and municipal land use plans are compatible.

PART 6.8: INTERPRETATION

6.8.1 Land use plans shall be developed and implemented in a manner consistent with Article 5.

6.8.2 The land use planning process shall apply to Nunavik Inuit Lands. Land use plans shall take into account Nunavik Inuit goals and objectives for Nunavik Inuit Lands.

PART 6.9: WASTE CLEAN-UP

6.9.1 The NMRPC shall identify and prioritize the requirement to clean-up waste sites in NMR, including hazardous waste sites and inactive mining sites. To the extent possible, this initiative shall be co-ordinated with the development of land use plans.