

Qikiqtani Inuit Association

Community Land & Resource Committee User Manual



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Qikiqtani Inuit Association

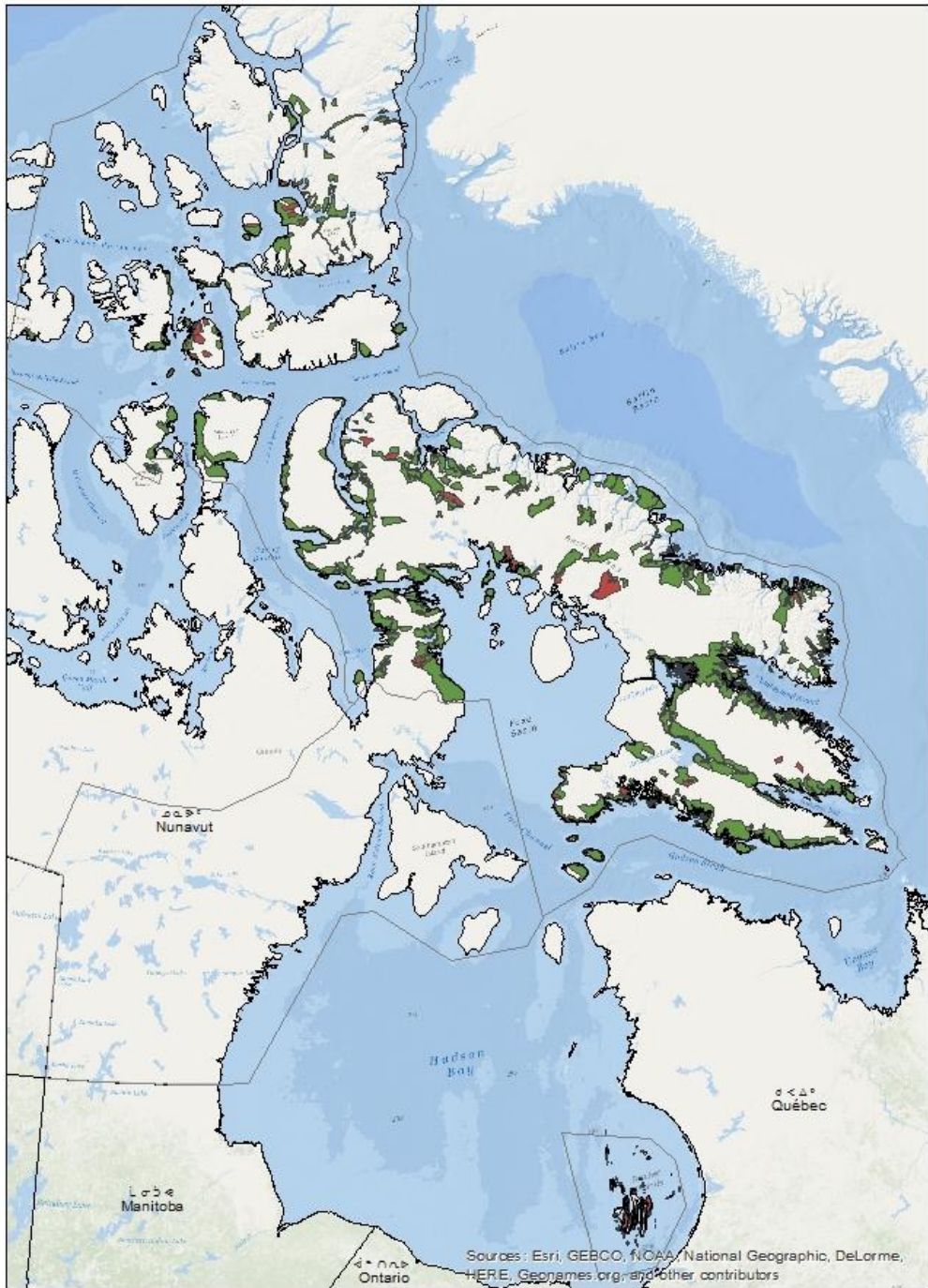
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1. Introduction



Qikiqtani Region's Inuit Owned Land

Under the Nunavut Land Claim Agreement (NLCA), the Qikiqtani Inuit Association (QIA) is involved in land management of surface and subsurface rights in the Qikiqtani Region.

QIA Lands Department and its staff have responsibility to ensure that Qikiqtani Inuit rights with respect to land and other interests (e.g. state of environment, wildlife including access for hunting and harvesting, economic, societal) are considered in all land use applications along with the impacts of such use.

QIA has created a Community Land and Resource Committee (CLARC) in each Qikiqtani community to provide QIA information to assist in decision making and recommendations regarding land use applications and developments that may affect that community or the areas near them.

2. What is a Community Land and Resource Committee?

The CLARC is made up of community members respected for their knowledge of their surrounding areas, including information regarding land use by Inuit and wildlife.

2.1 Purpose

QIA decided to create Community Land and Resource Committees in Qikiqtani communities to ensure those communities have an opportunity to be involved in land management and land use decisions regarding lands near their communities.

CLARCs will provide QIA with local knowledge of the environment including information on local land uses, important wildlife information and considerations (e.g. camp sites, breeding grounds, migration routes).

As a result of the CLARC providing QIA with local information regarding the land use applications, QIA can then assess whether or not the requested land use application should go ahead or not and if so, under what conditions the project should be allowed to proceed.

CLARCs play a very important role in ensuring that local land knowledge is available and contributes to QIA land management decisions.

2.2 CLARC Authority

CLARCs will provide information, advice and recommendations regarding Inuit owned land (IOL) use applications and/or proposed land developments to QIA's Lands and Resources Department.

CLARCs should provide explanations with their recommendations and advice offered to QIA.

QIA will ensure that CLARC information and recommendations regarding IOL land use applications and/or land developments are given full consideration in all its land related decisions and/or positions.

QIA will review the proposed land use application locations to determine which CLARCs are needed for consultation. There may be instances that require more than one community's CLARC's to be consulted based on the total area of use and potential impacts.

2.3 Members

The local elected QIA Community Board member (Community Director) is the Chair of the community CLARC.

Traditionally the CLARC is comprised of the CLARC Chair and representatives from various backgrounds in the community. Typically there is a representative from the HTO and a representative from the Hamlet council. The two other spots are reserved for members at large who represent Elders, Women, and/or youth. The CLARC should strongly consider the value of having members with various backgrounds.

All CLARC members are to be Inuit beneficiaries of the Nunavut Land Claims Agreement (NLCA).

CLARCs must attempt to have five (5) members at all times.

2.4 CLARC Selection

The Chair with existing CLARC members will determine the composition of the CLARC committee and if necessary appoint additional community members to form the five (5) members for CLARC.

Established community organizations with elected members, such as the HTO or Hamlet Council must select a member as their representative member(s) to the CLARC. As Stated above, typically there is a representative from the HTO and the Hamlet council.

New CLARC members (members at large) must be approved by at least three (3) CLARC members.

2.5 Outpost Camp Members

An outpost camp may make a request to the local CLARC Chair that they have a member on the CLARC.

2.6 Term

The term of the regular CLARC member is for a maximum of 2 years with an option to renew.

The term of a community representative agency member (e.g. HTO, Hamlet Council) is for the term of their agency appointment.

2.7 Term Renewal

Term of a CLARC member may be renewed upon approval of a majority of the other CLARC members.

Term of the community agency representative's (HTO or Hamlet council) CLARC member will be determined by the community organization. The community organization should review their CLARC appointment shortly after their membership election. For further clarity, if a representative is not re-elected to their agency then a new CLARC member must be appointed.

2.8 CLARC Members Knowledge and Experience

CLARC members should have knowledge of their lands, waters and ice surrounding their communities.

2.9 CLARC Members' Duties and Obligations

Each CLARC member has a duty and an obligation to attend CLARC meetings. This includes full attendance at meetings outside of their community as a CLARC representative.

Each CLARC member is obligated to fairly represent the interests of their community to ensure as much relevant and important information regarding land use is provided to QIA.

2.10 Representative Members' Additional Duties and Obligation

A CLARC representative member from another agency (e.g. Hamlet Council, HTO, etc.) has a duty and obligation to share relevant information from their representative agency.

After a CLARC meeting, the representative has a duty to inform their representative agency about the outcome of the CLARC meeting.

2.11 Removal of Member

A CLARC member may be removed for failing to regularly attend meetings without good reason.

A CLARC member may also be removed for failing to understand and actively participate as a CLARC member at CLARC meetings.

A CLARC member may be removed for not respecting Section 2.9 CLARC Members' Duties and Obligation or Section 4.11 Conflict of Interest.

The Process for removal of a CLARC Member is outlined in QIA's *Policy Regarding QIA Nominees and Appointees to Subsidiary Boards and Affiliated Organizations*. Contact QIA Lands for more information.

2.12 Replacement Members

If a CLARC member is removed, resigns or dies, the CLARC will appoint a replacement member as soon as possible.

The remaining CLARC can seek interest within their community with the help of the CLO.

The replacement member must be approved by at least three (3) CLARC members.

2.13 Notice of CLARC Members

The CLARC Chair will inform the CLO of any removal, resignation or death of a CLARC member.

The CLARC Chair will inform the CLO of any replacement member.

The CLO will inform QIA Lands of any changes to CLARC membership.

2.14 QIA Honorarium and Payment for Regular CLARC Members

CLARC members receive honorarium when they attend CLARC meetings, including teleconference calls.

If the CLARC has met as a result of QIA request, QIA will make honorarium payments to CLARC members upon receipt of meeting minutes.

The CLO is responsible for recording and submitting meeting minutes.

2.15 QIA Honorarium Rate

Honorarium for CLARC members is set by QIA.

Current honorarium for CLARC members is \$150.00 per meeting.

QIA may change the CLARC honorarium rate without notice.

2.16 Honorarium and Payment for CLARC Chair

QIA Community Directors will receive their CLARC meeting honoraria in addition to their regular QIA monthly honoraria payments.

2.17 Method of Honorarium Payments

CLARC members will receive honorarium payments either through the mail or sent to CLOs who will be responsible to distribute honorarium cheques to CLARC members.

2.18 Other Honorarium Rate and Payment

A CLARC member will only be entitled to one honorarium payment per meeting from one source.

If the CLARC member is a representative of another agency, they must choose which honorarium they will elect to receive and inform the CLARC Chair and CLO.

No CLARC member should receive two honorarium payments for attending the same meeting (e.g. HTO, Hamlet Council).

If the CLARC has met as a result of any other agency, the amount of honorarium to be paid is determined and funded by them. Honorarium payment will be made by that agency, not QIA.

2.19 Non-eligible Honorarium

A CLARC member will not be paid honorarium if they did not attend a CLARC meeting.

CLARC members will not be paid honorarium if they meet on other issues not pre-approved by QIA.

2.20 Honorarium Overpayment

Any honorarium overpayment will be deducted from future QIA payments to the CLARC member(s).

2.21 Travel

If CLARC members have to travel for meetings, QIA and/or the agency involved will look after all travel arrangements. Please make sure you know who is handling your travel and get in touch with them if you have any problems, changes or special needs.

2.22 Per Diems

If you travel for your CLARC meeting, you will also receive per diem.

Per Diem rate is set by QIA and/or the agency involved.

All attempts to provide you your per diem, or part of, prior to your travel will be made.

If you did not travel for the full estimated travel due to weather, airplane mechanical, sickness, etc., your per diem will be adjusted to only those days you travelled. Any overpayment will be deducted from your honorarium payment.

2.23 Attendance at Meetings while on Travel

All CLARC members who travel outside of their community as CLARC representatives have a duty to attend all scheduled meetings.

2.24 Non-attendance of Meetings while on Travel

A CLARC member who does not attend a scheduled meeting must provide QIA Director of Lands and Resources with an explanation.

If the CLARC member could not attend due to illness, they must obtain a medical note and provide it to the QIA Director of Lands and Resources.

Any unexplained or unreasonable explanation of non-attendance of a meeting by a CLARC member can result in any one or all of these sanctions:

- (1) Their immediate return to their home community; and/or
- (2) Honorarium not being paid, in part or whole; and/or
- (3) Per Diem not being paid, in part or whole; and/or
- (4) Immediate removal from CLARC committee; and/or
- (5) Ineligibility as a representative for QIA on the CLARC for a period of 1 to 3 years.

3. QIA Responsibilities

3.1. QIA Overall Responsibility

QIA has the responsibility to represent the rights and interests of beneficiary members in the Qikiqtani region.

3.2 QIA Lands and Resources Development Responsibilities Regarding Land Use Applications and Inuit Input for Project Developments

The QIA Lands and Resources Department will be responsible for responding to land use applications and ensuring there is Inuit input, including local knowledge through CLARCs on all Inuit land use (IOL) applications and project developments in the Qikiqtani Region.

3.3 QIA Notice of CLARC Deadline

QIA Lands and Resource Department will inform the CLARC regarding the deadline in which they must meet and report back to QIA Lands Department.

3.4 QIA provide CLARCs with Meeting Information

QIA's CLO is responsible to ensure the CLARC members are aware of the purpose of the meeting.

3.5 Meeting Materials

QIA Lands Department will provide the CLARC all the information necessary in a format and manner that helps the CLARC in understanding what the committee is being asked to review and exactly what information and/or recommendation QIA is seeking.

The CLO is responsible for ensuring that all meeting materials are given to CLARC members prior to any CLARC meeting.

3.6 Translated Materials

QIA Lands Dept. will ensure that all materials provided to the CLARC are in English and Inuktitut.

Any additional material that the CLARC would like translated must be provided to QIA for review and consideration. If QIA decides the material should be translated, it will undertake to do so on behalf of the CLARC.

3.7 QIA, CLARC and Community Meeting(s)

In some cases, QIA may decide that due to the scope of certain proposed activities it may be required to undertake wider community consultation, in addition to CLARC involvement and input.

In those instances, QIA will work with the CLO to organize a community meeting on the issue.

3.8 QIA Representative at CLARC and/or Community Meeting

QIA may decide to send a representative from the QIA Lands Department to assist the CLARC with community meetings, especially if the land use application is deemed sufficiently important.

3.9 Meeting Arrangements

The QIA CLO will assist the CLARC Chair and CLARC members in arranging CLARC meetings. This includes assisting in setting dates, location, time, refreshments, etc.

3.10 Teleconference Call Meetings and Arrangements

In some cases, CLARC members may meet or participate by teleconference calls. QIA is responsible for arranging teleconference calls.

3.11 CLARC Meeting Interpretation

If CLARC members require interpretation during their CLARC meeting, the CLO will request to QIA that this be approved as a meeting expense including interpreter(s) and equipment rental.

Where an outside agency has requested to meet with the CLARC and interpretation is required, the outside agency will be responsible for organizing and paying for interpretation.

3.12 Meeting Costs

QIA will arrange to pay for any reasonable CLARC meeting costs upon request. Where an outside agency has requested to meet with the CLARC or if the agenda is to discuss an application from an outside agency, the outside agency will be invoiced for the costs to hold the specific CLARC meeting (CLARC Honoraria, interpreting, translating, etc).

3.13 QIA Authority re: IOL Applications

QIA has the authority to decide whether to approve or disapprove Inuit land use applications.

3.14 QIA Responsibility re: Land Development

When there are proposed developments that may affect Inuit rights and interests on Crown lands or marine areas, QIA has the responsibility to respond to project proposals and develop positions that best represent the rights and interests of its members.

3.15 QIA Decision or Position

QIA will inform the CLO about QIA's recommendation or decision regarding the land use application. The CLO will inform the CLARC Chair and members of QIA's decision or recommendation.

4. CLARC Meetings

4.1 Request and Approval

CLARC committees will meet at the request and/or approval of QIA Lands Department or other agency.

If a CLARC meeting is requested by another agency, it must first be approved by QIA Lands and Resources.

4.2 Notice of CLARC Meetings

The QIA CLO will work with the CLARC Chair to provide other CLARC members notice of the date, time and location of the CLARC meeting.

4.3 CLARC Meeting Deadlines

CLARC will do everything it can to meet within QIA's stated deadline.

4.4 CLARC Request for Meeting Extension

If the CLARC is unable to meet by QIA's deadline, the CLARC Chair must inform the QIA CLO as soon as possible, so that the CLO may inform QIA's Department of Lands and Resources.

If the CLARC Chair is unavailable the CLO will inform the QIA Lands Department as soon as possible.

4.5 CLARC Reason(s) for Meeting Extension

The CLARC chair and/or QIA CLO should explain to QIA Lands Department why it is not possible for the CLARC to meet in specified time.

4.6 QIA Response to CLARC Meeting Extension

QIA Lands Department will seek to amend the deadline and inform the CLARC of a new deadline.

QIA will inform the CLARC whether the request was approved or denied, along with any new meeting deadline.

4.7 CLARC Meeting Chair

The QIA Community Director will chair CLARC Meetings, unless, another Chair is designated by the CLARC members.

In the event, the QIA Community Director is unable to attend the CLARC meeting, the attending members will appoint a Chair from themselves to Chair the meeting.

4.8 CLARC Meeting Quorum

A quorum for CLARC meeting is three (3) members. The QIA Community Director is not required for quorum.

4.9 CLARC Meeting Agenda

The CLARC meeting and agenda will focus only on what is being requested by QIA.

CLARC members will review all the information provided by QIA.

CLARC members will answer, to the best of their ability, all the questions asked by QIA regarding the land use application.

4.10 CLARC Fairness and Objectivity

Each CLARC member must act on behalf of the interests of their community to ensure as much relevant and important information regarding land use is provided to QIA.

CLARC recommendations should be fair and unbiased.

4.11 Conflict of Interest

CLARC members have a duty to identify and declare any personal or professional conflict of interest.

If a CLARC member is in conflict or has declared conflict of interest, they must not participate on that particular issue at the CLARC meeting and remove themselves from the CLARC meeting during the discussion of that issue only.

If CLARC member or committee is uncertain whether a conflict of interest with a member exists, they may get clarification or opinion from QIA.

4.12 Other Community Members' Knowledge and Expertise

If CLARC members believe there are other community members who would be better able to answer any of the questions, they will inform the CLO.

The CLO will be responsible to seek out the information, as directed by the CLARC or QIA Lands Department.

4.13 Clarification of Questions

If CLARC members have any questions regarding any of QIA's requests for information, e.g. confusing, unclear, etc., they may ask the CLO to get clarification from QIA Department of Lands.

Upon request, QIA Lands will make arrangements to attend the CLARC meeting either in person or by teleconference to field questions and help guide the discussion.

5. CLARC Meeting Report to QIA

5.1 CLARC Meeting Notes or Minutes

CLARC will ensure that the CLO has taken meeting notes and/or minutes.

If the QIA CLO is unavailable, CLARC Chair and members will have to assign someone who is capable to take meeting notes. The CLARC meeting note taker does not have to be a CLARC member. Under s.3.11 QIA will pay for reasonable costs associated with CLARC meetings, including payment for a replacement note taker.

5.2 Purpose of CLARC Meeting Notes or Minutes

The purpose of ensuring there are CLARC meeting notes or minutes is so that there is a record of information of the CLARC meeting.

5.3 CLARC Meeting Notes or Minutes Content

CLARC meeting notes or minutes should contain this kind of information and be given to QIA:

- who attended (also required for honorarium payment);
- time, length and location of meeting;
- list of materials reviewed during the meeting;
- what is the important information about this area of land (provide as much information as possible, more is better);
- any other important information regarding this area, including water, ice, snow, animals, fish, marine mammals, etc;
- Potential impacts they may be concerned about;
- Monitoring requirements.

5.4 Why QIA Needs CLARC Information in Land Use Applications

QIA recognizes that communities have important local knowledge regarding the environment: land, water, sea, ice and the animals, birds, marine mammals and fish in the area. This includes breeding, nesting, calving grounds and migration routes.

QIA needs to know whether any Inuit are using the land that the applicant wishes to use and/or develop.

QIA needs to know which animals, birds, fish, marine mammals use the land the applicant wishes to use and/or develop.

QIA needs to know if there is any special wildlife uses of this land, e.g. migration routes, breeding grounds, etc.

Without this information, QIA cannot ensure that community information or concerns are considered or included in any QIA decisions and positions regarding the land use application and/or land development proposals.

5.5 Value of CLARC Meeting Notes or Minutes (Record)

CLARC plays a very important role; the CLARC community members possess intimate knowledge about the land surrounding their community area.

QIA and other agencies often do not possess this local land knowledge.

A CLARC meeting report is proof of such special local knowledge, without such, QIA cannot adequately support its land use decisions or positions.

5.6 CLARC Minutes submitted to QIA

The CLO will be responsible to submit CLARC minutes to QIA Lands and Resources Department as soon as reasonably possible after the CLARC meeting.

If the CLO did not attend the CLARC meeting, the replacement note taker will be responsible for submitting CLARC meeting minutes to QIA. This person will be paid for their services only after the CLARC minutes have been received by QIA.

5.7. CLARC Minutes for General Availability

The CLARC or QIA may make CLARC meeting minutes available to the community, either by sharing them with the Hamlet, HTO or any other means the CLARC sees fit.

It is beneficial for other community members to be aware of CLARC activities and information shared with QIA regarding land use developments or IOL applications.

5.8 QIA Decision re: Inuit Owned Land Use Applications

QIA will consider CLARC information, advice and recommendations when approving or disapproving Inuit owned land (IOL) applications.

5.9 QIA Inform CLARCs re: IOL Decisions

QIA will inform the CLO and the Community Director about QIA's decision regarding the land use application, so they may inform the CLARC committee

5.10 QIA Decision re: Other Land Use Applications

QIA will consider CLARC information; advice and recommendations when developing QIA's positions on other land use development applications.

5.11 QIA inform CLARCs re: QIA Position on Other Land Use Applications

QIA will inform the CLO and the Community Director about QIA's position on other land use applications, so they may inform the CLARC members.

5.12 CLARCs do Not Need to Meet to Review QIA Decisions

Receipt and review of QIA Lands and Resources Department decisions does not require a CLARC meeting, unless a CLARC meeting has been requested by QIA.

QIA will not pay honorarium unless it has pre-approved a CLARC meeting to review its decision.

5.13 CLARC Appeal Meeting

If the majority of CLARC members upon receipt of a QIA Lands and Resources decision disagree with this decision, may request the Chair to obtain permission from QIA to meet to discuss the possibility of appealing the decision to the QIA Board of Directors.

Once QIA approval has been obtained, CLARC may meet to decide whether or not to appeal the QIA Director of Lands and Resources decision.

5.14 Disagreement Between CLARC and QIA Director of Lands

If there remains disagreement between the CLARC and the Director of Lands and Resources regarding the land use application, the decision may be resolved by the QIA Board of Directors by way of resolution.

5.15 Disagreement Between Different CLARCS

If there is a disagreement between CLARCs of different communities the decision will be resolved by the QIA Board of Directors by way of resolution.

5.16 Request for QIA Board Resolution

The QIA Director of Lands and Resources and/or a CLARC Chair may request the QIA Board of Directors to resolve any disagreement regarding a land use application, including terms of the application.

5.17 Nunavut Surface Rights Tribunal Resolution

If the CLARC and/or community has the opinion that QIA's decision regarding an application or project is unfair or unreasonable, the decision can be challenged through the Nunavut Surface Rights Tribunal.

APPENDIX 1 - Sample CLARC Meeting Agenda

CLARC Meeting
Community Hall
Community X
October 23, 2015
7:00 – 9:00 pm

Members in attendance:

Members absent:

AGENDA

1. Opening Prayer
2. Roll Call (state who was in attendance, absent, chair, QIA staff person)
3. Review QIA's CLARC letter
4. Review QIA Land Use Application
5. Review QIA Land Use Position and additional provided information
6. Answer QIA questions.
7. Other important information
8. Adjourn Meeting

APPENDIX 2 - Type of Information Requested from CLARC by QIA

- Are Inuit using this parcel of land?
- If yes, who? Please provide names
- And how? e.g. camp, hunting (what kind of animals, birds, fish, etc.)
- Will the proposed activity conflict with Inuit use of this land, water or ice?
- If yes, exactly how so?
- Do you think the proposed activity will harm the land, water, air, ice?
- If so, exactly how?
- Do you think the proposed activity will harm any of the wildlife? e.g. birds, animals, sea mammals, fish, etc.
- Can the proposed activity take place at the same time when Inuit use this land?
- What restrictions or limitations imposed on the proponent regarding land use, especially to minimize negative impacts;
- Should be any additional requirements imposed on the proponent to provide community compensation and/or benefits from proposed activity? e.g. employment, contracts, royalties, etc.
- Is there any other important information that QIA should know about the proposed activity or proponent?

APPENDIX 3 - Community Liaison Officers Roles and Responsibilities

The CLO is responsible for the following QIA and CLARC activities:

- CLO shall be the main point of contact between QIA Department of Lands and Resources and the CLARC
- CLO inform QIA of any new or changes to CLARC membership
- CLO inform QIA of any representative CLARC members (e.g. HTO or Hamlet Council appointment)
- CLO provide QIA contact information of CLARC members, e.g. mail address for cheques, etc.
- Once a meeting request is received the CLO shall contact CLARC Chair and other members to discuss QIA request for meeting and availability
- CLO will ensure that all CLARC meetings take place within the timelines established by QIA Department of Lands
- CLO shall inform all CLARC members of the meeting request including agenda items, meeting time and location
- If CLARCs are unable to meet within the timelines established, the CLO will communicate this and ideally the reasons why to the Department of Lands and Resources
- CLO shall prepare meeting materials and distribute to CLARC members in advance of CLARC meetings
- CLO will organize meeting location, date, time and inform CLARC members of such
- CLO will contact QIA if there are any special meeting needs, e.g. interpretation for pre-approval
- If QIA approved, CLO will organize any special additional meeting needs, e.g. interpretation (interpreters, equipment, etc.)
- CLO shall advise other organizations (i.e. HTO and Hamlet) of the meeting request and materials
- CLO will be present at all CLARC meetings to record discussions and prepare meeting minutes
- CLO will submit meeting minutes to the QIA Department of Lands as soon as reasonably possible
- CLO will provide any follow up information between CLARC and/or QIA Department of Lands and Resources
- CLO will fulfil other reasonable requests by QIA and CLARCS; if CLO uncertain if CLARC request is reasonable they will contact QIA for opinion and/or approval

APPENDIX 4 – Inuit Owned Land Background

Inuit selected the Inuit Owned Land (IOL) parcels through the Inuit land selection process under the Nunavut Land Claims Agreement negotiations.

Some Inuit owned land was selected for known mineral deposits, which would give Inuit an opportunity of obtaining developmental benefits (e.g. royalties, fees, etc.). Other IOL parcels were selected for their cultural importance (e.g. burial sites, traditional camping sites, etc.), others for environmental importance (e.g. good hunting areas, beauty, etc.).

IOL parcels within the municipalities were chosen for a variety of reasons, similarly some parcels were selected for development purposes (either by Inuit themselves, e.g. Inuit organizations or Inuit development corporations, individual Inuit for business development or to lease to non-Inuit to obtain land use fees). Other IOL parcels within municipalities were selected for non-development, such as access to beach areas or group activities, e.g. camping, picnicking, etc.).

QIA is responsible to the management of IOL and is greatly assisted by CLARCs to know why the various IOL parcels were selected, for what reasons or intended purposes, whether the values or reasons behind the selection of IOL continues over time.

QIA pays taxes only on IOL parcels that have developments on them, whether in or outside of the municipality.

If developed IOL parcels are outside of the municipality, QIA pays taxes to the Crown (via DIAND).

If developed IOL parcels are inside the municipality, QIA pays taxes to the municipality. If the developed IOL is leased to other third parties, e.g. QC, GN, GoC, private sector, QIA will ensure that the third parties lease is sufficient to cover the required taxes.

If IOL is used for traditional purposes and is undeveloped, QIA will not have to pay taxes.

CLARC should inform QIA Department of Lands if they become aware of any unauthorized IOL use, so QIA may investigate and determine how to deal with the issue. QIA will discuss options with CLARC before making a decision.

Types of Access to Inuit Owned Lands

Purpose

QIA manages Inuit Owned Lands in the Qikiqtani Region on behalf of its members.

QIA may receive an application by an individual or company to access and/or use Inuit Owned Lands.

QIA is responsible for determining whether access and/or use of IOL will be granted or not.

QIA may impose limitations and/or restrictions of access and/or use to protect the environment (land, animals, fish, water, etc.) and/or Inuit interests, e.g. hunting.

QIA may also impose additional conditions that would confer benefits to Inuit, in particular Inuit who live near the proposed activity.

QIA recognizes there may be value in granting access and/or use of Inuit Owned Lands, by way of fees, royalties, Inuit Impact Benefit Agreements (IIBAs) and/or conditions that will benefit Inuit (e.g. training, employment, infrastructure, etc.)

QIA has the full and final authority to make decisions regarding access and/or use of Inuit Owned Lands.

Public Access

Travel

Under the Nunavut Land Claim Agreement, the public have a right to access Inuit Owned Lands for the purpose of travelling by water (sea coast, rivers and lakes).

This water travel also includes travel for development activity and/or recreation and being able to use the strip of land boarding the water.

See Article 21.3. of the NLCA.

Research

Under the NLCA, a person doing research for the benefit of the public may have access to Inuit Owned Lands, depending on the size and nature of the project.

Research project must have minimal impact.

See Article 21.3.11 of the NLCA.

Government Access

Under the NLCA, Government has a right to access Inuit Owned Lands, so long as there is no significant interference with Inuit use of lands.

If Government is perceived as interfering with Inuit use of lands, in any way, QIA may seek to have an agreement about how Government is to access Inuit owned Lands.

See Articles 21, 21.3.12, 21.5.5 of the NLCA.

Commercial Applications

Individuals and/or companies may apply to QIA to access and use Inuit Owned Lands for business purposes.

Commercial Applications could include:

- Outfitters
- Tourism or Sports Lodges
- Prospecting and Staking
- Exploration

Different considerations, fees and conditions will apply for different types of commercial activities.

See Attached **QIA Application Fee, Rent and Compensation for Surface Rights or Use of Inuit Owned Lands** for more information.

APPENDIX 5 – Stages of Mineral Development

Exploration

Individuals and/or companies seek to find valuable minerals so that they may try to make money from the sale or development of a mine.

Individuals must obtain a prospecting license to look for mineral deposits on Inuit Owned Lands or Crown lands.

Samples of soil and/or rock may be taken to test for mineral content.

Towards Development

If there is sufficient amount of mineral content in the sample, the individual and/or company may seek funding and development licenses so that a more advanced project can be developed.

Pre-Development Requirements

Depending on the nature of the mineral deposit and potential size of the mine, individuals and/or the company will have a number of regulatory processes that they will have to go through in Nunavut.

See Article 11, 12 and 13.

Institutions Involved in Development Assessments and Approvals

Institution involved in development assessments and approvals include but are not limited to:

Landowners:

QIA for Inuit Owned Land

NTI for Inuit Owned Land

Government of Nunavut for Crown Land transferred from Government of Canada

Government of Canada for Crown Land: Primary department for management: Indian and Northern Affairs

Others, e.g. private individuals, private companies, e.g. church, Northwest company (previously HBC), etc.

Government of Canada:

Indian and Northern Affairs Canada (INAC or DIAND)
Environment Canada
Fisheries and Oceans Canada (DFO)
Natural Resources Canada (NRCan)
Transport Canada
Health Canada
Canadian Environmental Assessment Agency (CEAA)

Government of Nunavut:

Department of Environment
Department of Economic Development and Transportation (ED&T)
Department of Culture, Language, Elders and Youth (CLEY)
Department of the Executive and Intergovernmental Affairs (EIA)

Institutes of Public Government (IPGs):

Nunavut Planning Commission (NPC)
Nunavut Impact Review Board (NIRB)
Nunavut Water Board (NWB)

The larger the project and the greater the environmental impact will often result in more attention spent reviewing the project.

Project review can take several years for the proponent to obtain all the necessary permissions before full development can happen.

Development permits will only be issued once the proponent has received all necessary approvals.

Environmental Effects

Development and mines will always have an environment impact and environmental effects.

QIA Involvement in Environmental Impact Assessments

QIA will be involved in these approval processes and try to ensure that development minimizes the negative harm to the environment and disrupts Inuit rights as little as possible.

CLARC Involvement in Environmental Impact Assessments

QIA will ask or ensure that CLARCs and affected communities are involved in as many pre-development processes.

QIA recognizes that it is Nunavummiut and Inuit who will be most affected (short-term to long-term) by any negative environmental impacts from development.

Development Benefits

As a result of the NLCA, any major development will require the government and proponent to enter into an Inuit Impact Benefit Agreement (IIBA) with Inuit.

QIA as Negotiator of Benefits

QIA will negotiate IIBAs on behalf of all Inuit of the Qikiqtani Region.

10.10 QIA Primary Objective re: IIBAs

QIA will attempt to maximize the number, type and kind of benefits to Qikiqtani Inuit.

Types and Kinds of IIBA Benefits

These type and kind of benefits include, but are not limited to:

Fees

Royalties

Employment opportunities including preferential hiring

Employment training

Infrastructure, e.g. roads, ports, buildings, airports, recreational facilities, etc.

Preferential contracting

Education contributions to primary & secondary schools

Scholarships

See NLCA Article 26 and 27

APPENDIX 6 - Acronyms

NLCA – Nunavut Land Claim Agreement

CLARC – Community Land and Resource Committee

QIA – Qikiqtani Inuit Association

NTI – Nunavut Tunngavik Incorporated

IPG – Institute of Public Government

NIRB – Nunavut Impact Review Board (is a IPG)

NWB – Nunavut Water Board (is a IPG)

NPC – Nunavut Planning Commission (is a IPG)

NSRT – Nunavut Surface Rights Tribunal (is a IPG)

IIBA – Inuit Impact Benefit Agreement

INAC – Indian and Northern Affairs Canada (Govt. of Canada)

DIAND – Department of Indian Affairs and Northern Development (Govt. of Canada)

CLEY – Culture, Language, Elders and Youth (Govt. of Nunavut)

EIA – Executive and Intergovernmental Affairs (Govt. of Nunavut)

ED&T – Economic, Development and Transportation (Govt. of Nunavut)

DFO – Department of Fisheries and Oceans (Govt. of Canada)

CEAA – Canadian Environmental Assessment Agency (Govt. of Canada)

NRCan – Natural Resources Canada (Govt. of Canada)

APPENDIX 7 - Definitions

Application – act of applying by form to use a parcel of land

Crown – refers to Canada and the Government of Canada

Inuit Owned Lands (IOL) – land within Nunavut owned by Inuit. QIA manages IOL within Qikiqtani Region.

Proponent – a person and/or company who puts forward a proposal or submits an application

Public Research – research conducted for the public

Exploration – act of exploring, seeking to find or locate

Environmental Impact: the effect on an activity or substance on the environment

Development – act of developing

Outfitter – person who provides guiding and tourism services

Tourism and Sports Lodge – cabin to be used by tourists, as a place of accommodation and base from which to explore, fish or hunt

Royalties – payment for use of property, usually paid by the developer to the landowner, often fixed payment or based on percentage of profit

Fees – a fixed charged in exchange for access and/or use

Scholarship – free funding support paid to eligible person to get higher level of education

Surface Rights – ownership of the surface land only

Sub-surface Rights – ownership of the substances below the surface land only

APPENDIX 8 – CLARC Appointment Form

Community:

Name of new CLARC member:

CLARC Member Address:

Community Group the member is representing:

Current CLARC Member approval:

1. _____
2. _____
3. _____
4. _____
5. _____

APPENDIX 9 - CLARC Appointment Form from HTO or Hamlet

Community:

Name of new CLARC member:

CLARC Member Address:

Community Group the member is representing:

HTO or Hamlet authorization:

Name:

Position:

Signature: