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Building Nunavut Together  
Nunavut ᐅᑎᐅᑎ ᐅᑎᐅᑎ ᐅᑎᐅᑎ  
Bâtir le Nunavut ensemble

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Tuglia Ministam, Avatiliqiyikkut

Deputy Minister, Department of Environment

Sous-ministre, Ministère de l'Environnement

Andrew Nakashuk  
Chairperson  
Nunavut Planning Commission  
P.O. Box 2101  
Cambridge Bay, NU X0B 0C0

May 10, 2017

Dear Mr. Nakashuk:

**RE: Regional Public Hearings for the 2016 Draft Nunavut Land Use Plan**

I would like to thank the Nunavut Planning Commission (the “Commission”) staff for its efforts in organizing the recent Qikiqtani Public Hearing (the “Qikiqtani Hearing”) for the *2016 Draft Nunavut Land Use Plan* (the “2016 DNLUP”). The task before the Nunavut Planning Commission in developing a territory-wide land use plan is monumental and unprecedented. This past Qikiqtani Hearing was an important milestone in this planning process, signaling that an approvable Nunavut Land Use Plan (“NLUP”) may be successfully developed in the near future.

The timely approval of the 2016 DNLUP is a Government of Nunavut priority, but we can only support an NLUP which aligns with our policies, and which benefits the long-term well-being of Nunavummiut. Nunavut Agreement, Article 11, Land Use Planning is an important component of our Territory’s broader regulatory system. The approved NLUP should foster regulatory certainty within the Territory by proactively resolving land access conflicts between Nunavummiut and project proponents, but only in a manner which is appropriately scoped for this first generation NLUP. As you are aware, the Government of Nunavut has serious concerns regarding the 2016 DNLUP. We disagree with the Commission’s approach to certain issues, particularly caribou habitat zoning, and the resultant prohibitions to development; prohibitions which appear to be either insufficiently supported by the Commission’s consultation record or poorly rationalized in the Commission’s *2016 Options and Recommendations* document.

...2



At the Qikiqtani Hearing there was some valuable discussion regarding planning issues, but there was a critical lack of focus on the merits and risks of 2016 DNLUP proposed restrictions to development. For the most part discussions revolved around poorly defined zoning options with a primary emphasis on whether participants wanted 'Protected Areas' (with little to no recognition by delegates and participants of the restrictions imposed by this zoning option) or not. This polarization created a damaging potential for community members to negate any possibility of a middle ground in land use designations. Our observation is that the Nunavut Planning Commission's communications at the Qikiqtani Hearing did not appropriately capture either the land use benefits of the 'Special Management Area' and 'Mixed Use Area' zoning options, or the broader regulatory process provided for in Articles 10-15 of the Nunavut Agreement. In both cases the 'Protected Areas' designations were falsely portrayed as the single line of defense against unimpeded development.

Many attendees felt that the Qikiqtani Hearing was at times an adversarial process in which parties were treated as if they were opponents to the NPC, rather than planning partners. While this may at times be appropriate at a Commission-led hearing (for example, during conformity determinations where the Commission is a decision-making body), at the NLUP hearings this is neither an appropriate nor a productive way to proceed. It is our view, and we believe it is supported by the legislated requirements in the *Nunavut Planning and Project Assessment Act*, SC 2013, c 14, s 2 ("NuPPAA"), that NLUP hearings should be a collaborative affair where the Commission – in its role as the NLUP drafting body – is receptive of information and is fulsome in its replies to participants. While we appreciate that the Commission is empowered by NuPPAA to create its own rules of procedure, given that this is not a decision-making hearing, we believe it should be a collaborative and open process, free of adversity between the parties. We are, of course, all striving for a common goal.

The Government of Nunavut desires more comprehensive and meaningful discussions between participants for the remaining 2016 DNLUP regional hearings. Our recommendations to improve communications at the upcoming Kivalliq and Kitikmeot hearings are as follows:

.../3





