

Government of Canada is recommending the NPC incorporates into the planning process opportunities to seek alignment on key issues.”

The present rushed timetable does not allow this process to take place, even though the three principal stakeholders – the GOC, NTI and the GN – expressed their willingness to work together on what the GN identified and what the NPC itself described in that same document as “outstanding” issues, including “...caribou protection, transportation, sustainable economic development, IQ incorporation, RIA feedback, and being able to see rationale for the land use decision.”

Under the present proposed timetable, communities have complained that they don’t have the time or resources to do this final round of community consultations properly. The plan must also be redrafted to address many concerns that have been expressed about omissions and changes in the 2016 draft. The public hearing process should be halted to allow this to take place.

If the necessary time is not taken to allow all this to be done, I believe that, right now, there is a real prospect of the major stakeholders, whose endorsement is required for the plan to be adopted, ultimately rejecting the plan.

I understand that several communities will not be able to meet this deadline and have asked for an extension. The possibility of these communities being excluded from the process and not being allowed to contribute their perspective is unacceptable in the creation of a Nunavut-wide land use plan that will have significant impacts on activities in the territory going forward.

While I appreciate the NPC’s desire to proceed with the establishment of a land use plan that has been contemplated for many years, it is imperative that it is done correctly and using a process that has the confidence of Nunavummiut. Indigenous and Northern Affairs Canada (INAC) has already signaled that funds made available for the final hearings will continue to be made available past the current fiscal year, eliminating the prospect of losing funding as a factor for consideration by the NPC.

Translation

The requirement of translation is costly and burdensome for communities and individuals seeking to contribute to this process. Current calls from the Nunavut Association of Municipalities for funding support from the federal government were rejected. INAC does not provide funding to third party organizations or individuals so it would stand to reason that the burden of translating documents and providing participants with the appropriate number of hard copies would fall on the NPC.

Since the NPC is a publicly funded organization, it is well positioned to request the additional funds required for translation and print services. It is neither fair nor appropriate to require participants to provide 200 copies consisting of 100 Inuktitut, 60 English, 20 Innuinaqtun and 20 French versions of the submission.

Exclusion of Communities and Elders

Communities have expressed confusion as to who should lead community consultations (the hamlet, HTAs, etc.) and frustration for the lack of support from NPC. Furthermore, due to the holidays and council election schedules, most communities were not open nor able to hold the required community consultations that would have formed the basis of their submissions in time to meet the January 13 deadline.

Since most councils are sworn-in in early January, they would not be able to hold any official consultations due to section 134 of the *Hamlet Act*, which states:

Limit on powers after election day

134. (1) During the period commencing on election day and ending on the day the term of new council members begins, no council or council member shall

- (a) make a by-law or resolution that will result, directly or indirectly, in an expenditure not set out in the budget for the current fiscal year;
- (b) enter into a contract or obligation on behalf of the municipal corporation; or
- (c) appoint or dismiss any officer of the municipal corporation.

In a December 7, 2016 letter to you, Nunavut Tunngavik Inc. (NTI) outlined several serious concerns about the exclusion of Inuit in this process. There points are valid and echo my intervention at the November 7, 2016 Regional Pre-Conference Hearing. Rather than repeat my statements, I would like to quote NTI at length here:

NTI is of the view that requesting that community participants that attended the Regional Community Sessions conduct community consultations without NPC involvement is not acceptable, fair, or in keeping with NPC's obligations pursuant to the *Nunavut Agreement*. The *Nunavut Agreement* at subsection 11.2.1 (d) requires that NPC provide for:

the active and informed participation and support of Inuit and other residents affected by 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 residents to participate in comprehensive land use planning.(emphasis added)

NTI calls on NPC to lead the community consultations and provide community participants with considerable more support and resources to review the DNLUP 2016. At a minimum, one NPC staff person should be assigned to support each community to organize, facilitate and attend community meetings and assist in the collection of feedback. NTI also requests that communities, community participants and organizations be allowed to provide written submissions up to three weeks

before the public hearing. The current deadline of January 13, 2017 as indicated by community participants at the Regional Sessions is unreasonable.

In cases where a community, community organization or community participant is unable to provide a written submission to NPC, this should not preclude their ability to provide oral comments at the public hearing as a participant. Currently, the Rules of Procedure for Public Hearings and Public Reviews (Rules) and the Direction on Procedure distributed on October 7th are unclear on whether community participants that do not provide written submissions can make oral submissions at the final hearing on any topic. The ability for Inuit to provide oral submissions without constraint is a key obligation for the public hearing in the *Nunavut Agreement*. Section 11.4.17 (a) states:

In conducting its hearings, the NPC shall:

(a) At all times, give weighty consideration to the tradition of Inuit oral communication and decision-making;

NTI has reviewed the letter provided to you by the Department of Justice Canada on November 15, 2016 (Re: Request for a Review of the October 7, 2016 Direction on Procedures: Procedures for the Final Public Hearing). NTI supports the view of the Department of Justice Canada that the requirement to translate submissions and other documents into four languages does not respect the right of Inuit, and members of the public generally, to participate in the land use planning process and the hearing in the language of choice. In addition, NTI supports the Department of Justice Canada position that the service requirements in the Direction on Procedure are onerous and unnecessary. NPC can instead post submissions on their Consultation Record and notify participants when they are available as most recently done by NPC when expert reports were submitted on November 15, 2016.

NTI finds the current Direction on Procedures unworkable and requests that the NPC revise its Direction on Procedure to make clear that:

- community participants and community organizations that are participants can provide oral submissions on any topic areas related to the DNLUP 2016 at the public hearing, and can do so regardless of whether they have provided written submissions;
- community participants and community organizations that are participants may provide written submissions until three weeks before the public hearing;
- submission of translated documents is voluntary and that participants are allowed to submit documents in their language of choice in all instances;
- NPC's Consultation Record can be utilized to make documents available in lieu of the current service requirements.

NTI would also like NPC to indicate what steps it will take to support community participants that have been tasked by NPC with the considerable responsibility of organizing community meetings, providing reports and presenting those views at the final public hearing on the DNLUP 2016.

NTI shares NPC's desire to complete the DNLUP and provide Nunavummiut with an approved Nunavut Land Use Plan. However, this goal cannot be obtained at the expense of Inuit and community participation in the land use planning process. Considerable adjustments to the Direction on Procedures are necessary as are concrete steps to support the community organizations and community participants chosen to represent Nunavut communities at the public hearing.

Lack of Information

In a December 8, 2016 letter from the Mayor of Iqaluit, Madeline Redfern, several concerns were raised that I find to be disconcerting. For instance, there are several major changes between the 2014 and 2016 versions of the DNLUP. Mayor Redfern's letter refers to a "rationalization document" that the NPC presented as forthcoming during the pre-conference hearing in November. However, that document has yet to be received. Additionally, Iqaluit, as well as several other communities, have reported that they have been unable to obtain hard copies of the proposed plan, nor have they been able to receive adequate assistance in deciphering the current designations map.

It is difficult to develop a submission when pertinent information is inaccessible.

Conclusion

As a community member and long-time Iqaluit resident, I would like to make a submission. However, as several other stakeholders have identified, I have found the timelines, translation requirements, and lack of information restrictive and exclusive. Other topics that I would like to discuss at length include, but are not limited to

- major discrepancies and omissions between the 2014 and 2016 drafts;
- the difficulty in resolving conflicts resulting from this proposed land use plan; and
- my belief that this current plan runs counter to the intent of the drafters of the *Nunavut Land Claim Agreement* who envisioned that Nunavut would be able to thrive and benefit from Inuit Owned Lands.

It is my sincere hope that the NPC will consider this and other requests for an extension of the original timeline and that the NPC will reconfigure the Final Hearing in such a way that gives community members and non-registered participants the opportunity to participate in a meaningful way, including allowing for Inuit to participate orally and to provide submissions in one of the four official languages while NPC appropriately bears the responsibility for translation.

I look forward to your response.

Respectfully,



Dennis Patterson,
Senator for Nunavut

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