



July 24, 2018

Jeannie Ehaloak
Minister of Environment
Government of Nunavut

Carolyn Bennett
Minister of Crown - Indigenous Relations
Government of Canada

Aluki Kotierk
President
Nunavut Tunngavik Incorporated

Re: Response to Joint Letter Regarding Draft Nunavut Land Use Plan 2016

Thank you for your joint letter, dated June 21, 2018, and received July 11, 2018, regarding the next steps in the Draft Nunavut Land Use Plan (DNLUP) process.

Following the completion of the Qikiqtani Public Hearing on the 2016 DNLUP in March 2017, the Commission has worked with your staff to attempt to address procedural concerns and come to agreement on a path forward that would lead to an approved land use plan (the **2017 Tri-Party Process**). Throughout these procedural discussions, the Commission has consistently advocated for the completion of public hearings on the 2016 DNLUP in the Kivalliq and Kitikmeot regions before redrafting the plan, in order to provide residents of those regions and the Denesuline of Northern Manitoba and Saskatchewan an equal opportunity to provide oral comments on the content of the 2016 DNLUP. However, in your joint letter you advise that:

There is consensus among the signatory parties that the Nunavut Planning Commission should not proceed with the planned public hearings in the Kivalliq and Kitikmeot regions on the 2016 Draft Nunavut Land Use Plan. It remains our shared position that significant revisions to the 2016 draft plan are required and it would be counter-productive to hold further hearings on this draft. Instead, consultations should inform a redrafted plan, which should then be subject to public hearings in all three regions.

For clarity, a denial of funding for further hearings effectively means you are asking the Commission to redraft the 2016 DNLUP on the basis of the Qikiqtani hearing and written submissions but without hearing from the people in the Kitikmeot and Kivalliq Regions. In essence, this would result in a further DNLUP that does not incorporate the voices of two thirds of the Nunavut Territory or those of the Denesuline of Northern Manitoba and Saskatchewan who also have standing before the Commission and whose voices have not yet been

heard. This direction in your joint letter seems to conflict with Article 11, Part 5 of the Nunavut Agreement (NA), which makes clear that public hearings are part of the plan development process, and sections 11.4.17 of the NA and 51(3) of the Nunavut Planning and Project Assessment Act (NuPPAA), requiring the Commission to “give weighty consideration to the tradition of Inuit oral communication and decision making” during the conduct of hearings.

As you know, the Commission requires supplementary funding in order to hold hearings and adequately engage Nunavut’s 25 communities in addition to many transboundary communities and other interested participants. This funding issue is not new. All the external reviews, reports and studies funded by the Government of Canada reached the same conclusion: the Commission is underfunded and not adequately resourced to fulfil the mandate as outlined in NuPPAA and the NA. The Commission’s most recent and currently outstanding supplementary funding request includes resources for additional in-person community engagement and the completion of the two outstanding hearings, which you do not support at this time. Following receipt of your joint letter, the Commission anticipates a negative response to that funding request. If you can clarify how declining to hold a public hearing to receive oral comments from the Kitikmeot and Kivalliq Regions, the Denesuline of Northern Manitoba and Saskatchewan on the 2016 DNLUP before revising that plan is consistent with the Commission’s mandate under the NA and NuPPAA, and the government’s obligation to fund the Commission to enable it to achieve its mandate, the Commission would be in a better position to respond.

I would like to note that under the NA and NuPPAA, the Commission is responsible for the design of land use planning processes. However, given the lack of resources to undertake these processes, we are regularly forced to follow direction from the signatories, not because we have had reasoned discussion and reached agreement but simply because if we do not agree on a process advocated by the signatories funding to advance the DNLUP is withheld. This is at odds with the intended authority and independence of the Commission as established under the NA and NuPPAA. It is also complicated when the signatories themselves cannot reach agreement on the process they want the Commission to follow, as recently occurred at the conclusion of the 2017 Tri-Party Process. The Commission had hoped to achieve agreement between the signatories on the process that would be followed on a going forward basis.

In response to the joint letter dated June 21, 2018, the Commission has recently reopened the record for further written submissions and responses to outstanding questions arising from the Qikiqtani hearing in March 2017. It is not able to hold further in-person consultations on the 2016 DNLUP or public hearings on a revised plan without supplementary funding. The Commission is interested to know whether the signatories would support a supplementary funding request to undertake a process that is consistent with your preferred approach of further consultations on the 2016 DNLUP, followed by redrafting and three hearings on a revised version of the draft plan.

The Commission’s lengthy process to draft and finalize a DNLUP has been fraught with directional changes from the signatories, including directing the Commission to stop drafting the original 6 Regional Plans that were at various stages of completion in 2005, and most recently the 2017 Tri-Party Process. The Commission has also been the subject of reviews commenced by the signatories in the Berger and McCrank reports, the Independent Third Party Review in 2011, and several external audits and reviews. The external audits and reviews note the Commission has managed the INAC funding it receives and has used INAC funds in accordance with the funding agreement, and met all reporting requirements and due dates in the contribution agreement.

In closing, the Commission has followed all directional changes and participated in each of these audits and reviews in good faith to move the DNLUP process forward. The Commission remains committed to concluding the DNLUP for the Parties review and approval and or rejection through the public process "as soon as practicable" as required by section 46(1) of the NuPPAA, and encourages the signatories to work cooperatively with the Commission to provide the Commission the resources necessary to achieve that legislated requirement independently and in the interests of Inuit and all Canadians.

Respectfully,

A handwritten signature in black ink, appearing to read "A. Nakashuk". The signature is fluid and cursive, written in a professional style.

Andrew Nakashuk, Chairperson
Nunavut Planning Commission