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Nunavunmi Parnaiyit
Nunavut Planning Commission
Commission d'Aménagement du Nunavut

April 21, 2011

Hon. Eva Aariak, Premier
Government of Nunavut
Box 1000,
Iqaluit, NU X0A 0H0

Premier.Aariak@GOV.NU.CA

Delivered via Electronic Mail

Re: Working Draft Nunavut Land Use Plan (“WDNLUP”)

Dear Premier Aariak,

The Nunavut Planning Commission (the Commission) respectfully requests a meeting with yourself, as Minister, Executive and Intergovernmental Affairs (EIA) and the Ministers responsible for the Deputy Minister’s Sustainable Development Advisory Committee (SDAC), which include; EIA, Environment, Economic Development and Transportation, Community and Government Services, Finance, Justice, Health and Social Services and Culture, Language, Elders and Youth.

The purpose of the meeting we propose is to review with you the status of the WDNLUP, the Commission’s plans for its ultimate implementation, and our involvement with the Government of Nunavut (“GN”) to date in that respect. For reasons which will become clear below, the Commission is concerned that its involvement with the GN in respect of the WDNLUP has not been as helpful and productive as it needs to be in order to ensure the ultimate success of the Land Use Plan now being created for Nunavut.

By way of background, under the Nunavut Land Claims Agreement (NLCA) the Commission is established as an Institution of Public Government. The Commission has a legal obligation to formulate a single land use plan to guide and direct resource use and development within the Nunavut Settlement Area (NSA). The Nunavut Land Use Plan has been actively under development since June 2007. Our consultation record is available at: <http://www.nunavut.ca/en/public-registry>. Additional information pertaining to the land use planning process, timelines, and land use planning issues and priorities that have been identified is available at: <http://www.nunavut.ca/en/about-commission/important-information>.

The land use planning process is guided by the NLCA and the Commission's Broad Planning Policies, Objectives and Goals which were developed under **NLCA 11.4.1(a)** and approved by the Commission in November 2007. Our 11.4.1(a) document sets the broad parameters that inform the land use planning process. Although it was not a requirement, the Government of Nunavut (GN) Cabinet chose to endorse the Commission's 11.4.1(a) document.

Our approach to land use planning flows from the NLCA and the 11.4.1(a) document, and respects *Inuit Qaujimagatuqangit* concepts of *Ajiiqatigiinniq* (decision making through discussion and consensus), *Qanuqtuurniq* (being innovative and resourceful), and *Piliriqatigiinniq/Ikajuqatigiinniq* (working together for a common cause).

In October 2010 and February 2011, SDAC provided submissions on two different evolving versions of the WDNLUP. These submissions contain a number of recommendations. Our preference was to meet with SDAC to discuss the process and recommendations. Unfortunately, SDAC did not accept our Executive Director's request to meet in January 2011. As an alternative SDAC advised the Commission to "*continue working*" with technical staff. However, as illustrated in our consultation record, the GN technical staff had not accepted opportunities provided to actively participate in the land use planning process for nearly one and a half years.

The Commission was pleased to meet with GN technical staff on April 4, 2011 to discuss technical revisions to enhance the WDNLUP. However, it is important to note that some of the recommendations from SDAC relate to the land use planning process and cannot be resolved at the technical level. At this point, some specific comment on background issues regarding the WDNLUP and the GN's position, as communicated to the Commission to date, may be of assistance to you.

- SDAC has recommended that the Commission stop its land use planning activities, incorporate land use planning methodologies from British Columbia, Yukon and the Northwest Territories and begin our land use planning process over. Needless to say, this suggestion came as a surprise to the Commission;
- But, no justification has been provided by SDAC for this recommendation. It is unknown what analysis has brought SDAC to the conclusion that the Commission process is so flawed, that after nearly 4 years, it should be redesigned and started over. The land use planning process being undertaken by the Commission has been designed to address the unique obligations established under the NLCA, and the broad direction provided by our 11.4.1(a) document. Given the unique mandate of the Commission, we believe the process we have developed is more appropriate for land use planning in the Nunavut Settlement Area than those identified by SDAC;
- The Commission, if it were to adopt the SDAC recommendation to re-start the land use planning process, would require funding of approximately 1.5 million dollars this fiscal year. In accordance with the **NLCA 11.4.3** *“the costs of the NPC shall be the responsibility of Government.”* In order for the Commission to consider this recommendation, we will require a commitment from Cabinet that it intends to provide the additional funds required to implement the SDAC recommendation.;
- The Commission also would respectfully ask for some explanation as to why GN staff have not taken advantage of six requests the Commission made to them to meet with our staff over the past one and a half years to discuss these issues;

In addition, the Departments of Environment (DOE) and Culture, Language, Elders and Youth have not provided data or expert advice on the land use plan, despite eight requests for this information between November 2009 and March 2011. Now, for some reason, after 15 years of freely sharing information, GN officials have only recently advised that a “data sharing agreement” is required before any public data will be provided to the Commission for use in the land use plan. Fortunately, all other GN Departments have continued to share information freely with the Commission.

In this regard, Cabinet may be interested to know that Section 197(1) of the proposed Draft Nunavut Planning and Project Assessment Act (NUPPAA) states:

197. (1) If a regulatory authority or a department or agency or municipality that is not a regulatory authority is in possession of specialist or expert information or knowledge, including traditional knowledge, it must, at the request of the Commission, a responsible authority, the Board, a federal environmental assessment panel, a joint panel or the responsible Minister, as the case may be, make that information or knowledge available to them if they require it to exercise their powers or perform their duties or functions.

Given the plain wording of this draft legislation, we do not understand the position only lately adopted by GN staff. We have pointed this out to them, without a satisfactory response, unfortunately.

By way of further background to the present situation the Commission faces with the GN, the SDAC submission from October 2010 contained survey results from an internal GN evaluation of the Commission's efforts to implement our 11.4.1(a) document. In our view, the survey results did not fairly reflect the land use planning activities of the Commission. As the DOE has acted as the single contact and liaison between the Commission and Government of Nunavut since January 2008, the survey results suggests to the Commission that the DOE may have been unsuccessful in engaging and informing its constituent departments.

Further, our review of the February 2011 SDAC submission suggests that there continues to be an apparently less than full understanding of our land use planning activities within GN Departments. The Deputy Minister of DOE declined our November 2010 request for information in this regard. The Commission thus now requests that the Minister of DOE provide to the Commission his Department's internal engagement strategy and consultation record as it relates to DOE's efforts to disseminate information and engage GN departments over the past 3 years. This information is necessary if the Commission is to understand the work required to inform and build the capacity of all who engage in the planning process in Nunavut.

The Commission expects, as do you, to work together in good faith and in the spirit of co-management with all its planning partners to advance common goals and move the Nunavut Land Use Plan forward. Our current relationship with the Government of Nunavut has not reflected these ideals regrettably.

In closing, the Draft Nunavut Land Use Plan continues to evolve with the active participation of the Government of Canada, Nunavut Tunngavik Incorporated, Regional Inuit Associations, Denesuline, Municipalities, Industry and a host of other interested parties. These parties continue to respond to our requests for data and expert advice and support our efforts. We sincerely hope that by bringing our concerns to you, we together can make the necessary progress so that the land use planning process can move forward with the active participation of all GN departments.

I look forward to hearing from you in this regard in the very near future, as revisions to the WDNLUP are currently underway.

Respectfully,



Ron Roach, Chairperson

- cc. Paul Quassa, Vice Chairperson, Nunavut Planning Commission
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