



October 25, 2011

Ms. Cathy Towtongie
President
Nunavut Tunngavik Incorporated
P.O Box 638
Iqaluit, Nunavut, X0A 0H0

Delivered by Electronic Mail

Dear Ms. Towtongie

The Commission is responding to an October 4, 2011 letter our Executive Director, Sharon Ehaloak received from Nunavut Tunngavik Incorporated (NTI) Chief Executive Officer, Terry Audla regarding NTI's "preliminary views" on a July version of a working draft Nunavut Land Use Plan.

The Commission has chosen to write to you as similar correspondence has been received from Minister Duncan, Aboriginal Affairs and Northern Development Canada, and Minister Shewchuk, Department of Environment.

The Commission would like to clarify that it has never suggested it is frustrated with being unsuccessful in resolving issues with the federal and territorial governments. The Nunavut Land Claims Agreement (NLCA) has established the Nunavut Planning Commission as an independent Institution of Public Government (IPG) under Article 10 with discrete planning policy and land use planning functions that must be preserved. Article 11 further establishes Land Use Planning as a right and benefit of Inuit with the Nunavut Planning Commission mandated to complete the Nunavut Land Use Plan. As a public land use planning agency, the Commission can only create opportunities for planning partners to participate in the land use planning process. The Commission does not have the legal authority to compel NTI or Government to engage in the process. As an IPG created under the NLCA, the Commission takes its implementation obligations very seriously. However, we also recognize the capacity challenges of our planning partners and accept that there will be limitations on the ability of some organizations to engage in the land use planning process.

The Commission appreciates NTI acknowledging that a great deal of time and effort has gone into the development of the planning documents and that the next steps in the process must take full advantage of the work already done.

NTI and the Commission have different interpretations of what is meant by the NLCA 11.5.1 reference to regional and sub-regional components of a Nunavut Land Use Plan. This matter has been addressed with both NTI and Government on several occasions. With planning partner turnover and capacity challenges the Commission understands that many organizations do not appreciate how regional or sub-regional components of a land use plan are developed and implemented. This is why our staff have offered on many occasions, the most recent being September 27, 2011, to have our professional land use planning staff work with and support NTI and Government during the review of the July 2011 working draft Nunavut Land Use Plan.

NTI suggests that the Commission's two approved regional land use plans for the North Baffin and Keewatin be integrated, in their entirety, into the Nunavut Land Use Plan. NTI states that *"those two Plans have been the product of years of planning involving local Inuit."* The Commission reminds you that NTI formally opposed approval of both plans through a formal submission to the Minister in 1997 because of concerns NTI had regarding Inuit involvement in the revisions to those land use plans.

Commission staff were recently made aware through discussions with an NTI official that the official has been working closely with Government of Canada and Government of Nunavut personnel on this file. Sadly, despite our numerous requests and an agreement reached between the parties at a meeting June 2, 2011 that all parties would work together, the Commission has been excluded from discussions, where the outcome was to suspend the implementation of the Commission's NLCA obligations.

The Commission disagrees with NTI's statement that *"It is necessary to recognize that this impasse is in part a result of the current process."* First the Commission, for years, has been requesting additional funding from Government to support its mandate to implement the Nunavut Land Claims Agreement. Second, both Government and NTI have ignored countless opportunities to discuss the Commission's implementation activities established under the NLCA. As such, in the Commission's view, the land use planning process is not the issue, as your officials have suggested. Instead, concerns of the parties are a direct result of not participating in the process, not providing expert advice and inadequate funding.

The Commission is fully aware of its authority under the NLCA to establish terms or conditions to manage land use through the Nunavut Land Use Plan. When the Commission receives data, information or knowledge that supports sound decision making, it has developed, and will continue to develop, terms to guide and direct resource use and management in the Nunavut Settlement Area.

Be that as it may, regarding NTI's suggestion for a third party review of the plan, the Commission agrees that it may be beneficial for NTI and other planning partners. For that reason, the Commission is willing to participate in such a review. In order for this proposed assessment to be of value, however, the Commission believes that the scope of the review

must also include all the departments within the GOC which are engaged in the land use planning process, as well as the Government of Nunavut, Nunavut Tunngavik Incorporated and the Regional Inuit Associations. I understand from staff of the Commission who, along with GN and NTI officials, spoke with Robin Aitken, Regional Director General, Aboriginal Affairs and Northern Development Canada, Nunavut Regional Office on a conference call on September 22, 2011, that he advised that such an independent review could be completed by Christmas of this year.

In the meantime, the Commission has directed that its staff commence the consultation process mandated by Article 11.5.3. This process will start in January of 2012. The completion of the third party review prior to the public consultation process can thus address NTI's request, while at the same time ensuring the Commission meets its obligations under the Nunavut Land Claims Agreement.

The Commission feels that given the difficulties mentioned earlier regarding the lack of assistance in the plan's development, waiting would accomplish little and certainly not allow the Commission to meet its obligations under the Nunavut Land Claims Agreement.

In closing, I will look forward to receiving more detail on the independent review of all parties. The Nunavut Planning Commission looks forward to engaging in the third party review process and to its continued participation with NTI for the remainder of the planning process.

Respectfully,



Ron Roach
Chairperson

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