

The Dual Role of the NPC

- The NPC fills two separate roles: one as a drafter, and the other as a regulator. These distinct roles require different degrees of flexible versus prescriptive implementation of the Draft Rules. When the NPC is drafting land use plans, some degree of flexibility in the implementation of its Rules of Proceeding is required. In that respect the ability for the Commission to have the discretion to decide the length of public review and hearing periods (draft Rules 16(3) and 26(3)) and to reopen the record (draft Rules 25(1) and 30(1)) is appropriate. Conversely, when acting as a regulator, for minor variances and plan amendments, it is of the utmost importance that the procedure is prescriptive enough to be predictable and transparent for project proponents. A prescriptive planning process, for the NPC's duties as a regulator, is important to inspire confidence in parties interested in investing in Nunavut. As such, the GN would recommend that the following rules be edited to reflect the difference in responsibility the NPC has when drafting plans and acting as a regulator:
 - Draft Rules 16(3) and 26(3) - That the period for public reviews and hearings for minor variance and plan amendment end 60 days after the beginning date, which the Commission chooses.
 - Draft Rules 25(1) and 30(1) – That the Commission not be able to extend or reopen the record on its own initiative when conducting a public review or hearing for a minor variance or plan amendment.

Meaningful Participation

- Oral testimony is an essential aspect of public hearings, which gives Inuit an opportunity to participate in the planning process in a manner that reflects Inuit societal value and Inuit Qaujimajatuqanit. It is important to ensure that the NPC's planning process provides opportunity for Nunavummiut to meaningfully participate; it is unclear how this can happen if Commission staff are able to decline to answer questions during hearings (draft Rule 28(3)). The GN sees this as a potential barrier to meaningful and effective participation. It is recommended that the rule be revised to encourage that all parties should endeavour to answer questions posed during an in-person hearing during the timeframe of that in-person hearing.

The Dissemination of Documents

- Participation within Nunavut's planning process requires applicants and participants to access a large number of documents. The GN recognizes that there is a cost associated with providing physical copies, however there is concern that requesting a fee to provide documents may prevent parties without adequate internet access from participating (draft Rule 11(2)). The GN would urge the Commission to exercise discretion when considering a fee to ensure that nobody is prohibited from participating for financial reasons. Furthermore, the GN would like the NPC to clarify that draft Rule 27(1) is in reference to the documents of applicants and participants, and not documents that the commission has elected to provide.

Notification for Meetings of Experts

- Nunavut is a vast territory, and accordingly it is important to consider the logistical challenges that exist for the planning process including long travel times, inclement weather, and poor telecommunication services. With these considerations in mind, 7 days notice is an insufficient amount of time to prepare for meetings of technical and traditional knowledge experts (draft Rule 16(2)). The GN recommends that the Commission give notice of 30 to 45 days.

The GN is confident that the NPC will consider these recommendations. Should you have any concerns with our comments, please do not hesitate to contact James Elliott, Project Manager, Land Use Planning by phone at 867-975-7722 or by email at jelliott@gov.nu.ca.

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