



Affaires autochtones et
Développement du Nord Canada

Sous-ministre adjoint

Ottawa, Canada
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Aboriginal Affairs and
Northern Development Canada

Assistant Deputy Minister

DEC 06 2016

Ms. Sharon Ehaloak
Executive Director
Nunavut Planning Commission
P.O. Box 1797
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By e-mail: sehaloak@nunavut.ca

Dear Ms. Ehaloak:

Thank you for taking the time to meet with me on November 17 during your recent trip to Ottawa.

I am very pleased we had the opportunity to cover a broad range of topics including how best federal departments can contribute to the successful conclusion of the Nunavut Planning Commissions process to develop a land use plan for consideration for approval by decision makers outlined under the Nunavut Agreement. It was also a timely opportunity to hear your plans and anticipated financial pressures for the commission's work heading into next fiscal year.

As I committed, I would like to take this opportunity to provide you an overview of the general conclusions of the recent "Signatories Workshop" that my colleagues from the Government of Nunavut, Nunavut Tunngavik Incorporated and Indigenous and Northern Affairs held in Iqaluit on November 1, 2016. Our objective was to find areas of agreements on both the process for completing the final Plan and on resolving key outstanding issues.

To organize our discussion, we developed working objectives with respect to the plan to help guide our discussions. We believe the final plan should aim to:

- a. achieve an appropriate and flexible balance of economic, cultural and conservation interests, recognizing the interdependence of these values;

- b. work effectively as an integral part of an overall regulatory system as laid out in the Nunavut Agreement and enabling legislation, and provide guidance to other institutions of the regulatory process, including impact review and land and water licensing; and
- c. Be implementable, and guide and support government departments and agencies in the delivery of their mandates within the regulatory system.

There are a number of subjects in the plan that could benefit from being drafted as general guidance rather than being prescriptive.

Marine transportation corridors are one area where the participants agreed that the Land Use Plan could point to the Nunavut Marine Council as an appropriate body to work with Inuit organizations, territorial and federal governments. Referring such matters to this body would help avoid the Commission becoming overburdened with matters outside land use and help strengthen the relationship between all institutions of public government in the territory. A reference by your plan to this body may provide an important catalyst to promote the work of the Council.

You mentioned in our conversation, that linear transportation was an area the commission was already looking to make some modifications. We also noted the topic and suggest the final plan consider highlighting opportunities for infrastructure for the territory.

Caribou protection is a strongly shared interest among the participants given the link to food security, culture and the complex pressures affecting caribou herd health. The participants are committed to examining all options and legal tools to effectively and responsibly manage the herds. That said, the current draft plan assigns a level of protection and liability that does not align with the role and authorities of those responsible for managing renewable resources in the territory. The current draft development prohibitions will impair economic opportunities and raise significant questions to those who hold existing mineral rights. The draft plan could benefit from employing seasonal based solutions and may differ by region. The Plan could recognize and underscore the importance of active management to protect caribou herds using a number of regulatory and legislative tools to achieve the appropriate balance of development and protection.

We were also in full agreement that the Plan must be internally consistent, clear and technically correct to ensure the plan is implementable. There are some specific technical and legal issues to be addressed, including the handling of overlapping designations and drafting language. We would welcome the opportunity to explore an

appropriate means to exchange technical drafts without prejudice to help expedite drafting and hopefully facilitate a timely review on our respective parts when the final plan is submitted.

Looking forward, the participants agree that the consultation and approval process must be as transparent as possible to ensure the final plan is legitimate and understood. Ideally the process should be adjusted to allow for development of a close-to-final plan to be the subject of a final public hearing. I can confirm that Government of Canada that funding in support of the hearing process can be carried forward to next fiscal year. Alternatively, our two organizations should consider meeting soon to discuss a post-hearing review process option to refine the document after the public hearing to ensure it is in a reviewable and approvable state. In the latter case, some mechanism for public participation/review will be important prior to submitting the plan for final approval.

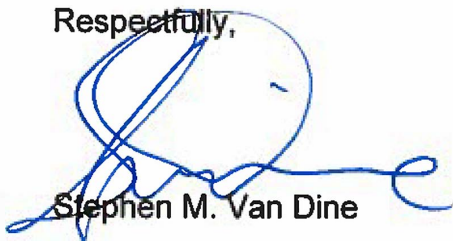
The workshop participants respective written submissions will elaborate and make recommendations on many of the areas touched on above, however in the interim you may find the attached workshop summary of interest.

Please be assured that underpinning all of the discussions was recognition of the importance of the Nunavut Land Use Plan. We recognize the efforts the Commission has made to bring the draft Plan to its current state, and want to assure you that all three parties are fully committed to supporting the Commission in successfully concluding a process that allows for timely consideration and decision-making regarding the Final Draft Plan.

You should know, this was the first workshop held of its kind where senior officials representing the three signatory organizations met to discuss the workings of "co-management" and our respective roles in supporting the effective operation of the regulatory system. We see value in getting together more often on similar topics.

In closing, we would like to reiterate our commitment to working closely with the Commission staff to define a path forward process that will result in an approvable Plan that serves the interests of Nunavummiut and all Canadians, and to thank your team for their ongoing commitment in this endeavour. I have asked David Rochette, Regional Director General, Nunavut Regional Office to be the department's single window point of contact with the Commission on process matters pertaining to the conclusion and approval of the land use plan. It is hoped this single window approach will greatly assist in facilitating a timely and effective means to work through and resolve the various issues identified.

Respectfully,



Stephen M. Van Dine
Assistant Deputy Minister, Northern Affairs
Indigenous and Northern Affairs Canada

c.c.: David Rochette, Regional Director General, Nunavut Regional Office, Indigenous
and Northern Affairs Canada
David Akeeagok, Deputy Minister, Environment, Government of Nunavut
James Arreak, CEO, Nunavut Tunngavik Incorporated

Encl: Nunavut Land Use Plan Signatories' Workshop Summary