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Nunavut Tunngavik  
Incorporated

**To:** Mr. Alain Grenier

**From:** Nuqlu Hess

**Fax:** 867-975-4736

**Pages:** 3 to follow

**Phone:** 867-975-4544

**Date:** May 21, 2013

**Re:** Draft Nunavut Land Use Plan (DNUP)

**CC:** Mr. David Akeeagok  
Ms. Sharon Ehloak

Good day

Please find letter dated May 21, 2013 to Mr. Alain Grenier, from the Chief Executive Officer James T. Arreak, regarding Draft Nunavut Land Use Plan

Original to follow through by mail

Best regards,  
Nuqlu Hess



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Atungavik

Chief Executive Officer

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Qikiqtaaluk

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Arctic Bay

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Qikiqtaaluk

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Cape Dorset

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Clyde River

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Creston

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Hall Beach

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Igloodik

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May 21, 2013

Mr. Alain Grenier

Acting Regional Director General

Nunavut Region

Department of Indian Affairs and Northern Development

P.O. Box 2200

Iqaluit NU X0A 0H0

Mr. David Akeeagok

Deputy Minister

Government of Nunavut

PO Box 1000, Stn. 1300

Iqaluit, NU X0A 0H0

Ms. Sharon Ehaloak

Executive Director

Nunavut Planning Commission

PO Box 2101

Cambridge Bay, NU X0B 0C0

Dear Alain, David and Sharon:

### re: Draft Nunavut Land Use Plan (DNUP)

I am writing further to Mr. Grenier's March 28, 2013 letter forwarding the *Government of Canada Priority Expectations for a First Generation Land Use Plan*. (GOC Priorities Document), and the parties' commitments to identify their expectations for the DNUP in order to facilitate Step 3 (Structured Process for Clarifying Specific Expectations by the Parties) of the *Final Report for the Independent Review of the DNUP* (the Final Report).

As stated in NTI's President's July 27, 2012 letter, NTI supports the Final Report's recommendations as to next and subsequent steps. We appreciate both the NPC's efforts to fulfill these recommendations, and the Government of Canada's clarification of its expectations.

With the exception of a few details and questions, and with one significant qualification identified immediately below, NTI believes that the GOC Priorities Document provides a solid grounding for a first generation DNUP.

NTI's one major disagreement pertains to the GOC's second priority expectation (*Policy Consistency*). This section states, erroneously, that the DNLUP must comply with federal law and policy. Section 11.5.9 of the NLCA requires all government departments and agencies to conduct their activities and operations in accordance with the plan as approved, not the reverse. The NPC is free to submit to the governments a draft plan that would require legislative change or that departs from current policies. Indeed, to the extent that a change in law or policy is needed to reflect the priorities and values of the residents, the NPC must promote that result to comply with the NLCA.

Following are NTI's expectations in other areas.

#### **Public participation/community engagement**

NTI agrees that land use planning decisions must be adequately documented and supported by a factual and evidentiary record. NTI also agrees with the Final Report and with the GOC that a detailed and transparent record of community input, and how this input has informed the DNLUP, is critical to ensuring compliance with the NLCA, and in particular, with ss.11.2.1(c) and (d), which anticipate the *active* and *informed* participation of Inuit and other residents. We understand that the NPC is providing a summary of community input to local representative organizations. This entire record must be available for public review on a timely basis.

In addition, the Final Report identifies as a concern using a "well developed" DNLUP as a basis for community consultation, in view of the requirement that the DNLUP be based on the priorities and values, and active and informed participation of the residents. This process concern needs to be addressed.

NTI recognizes that many of Article 11's and Bill C-47's expectations, especially regarding community consultations and the public registry, require that significant additional funding be provided to the NPC. The issue of adequacy of funding figured in the Parliamentary process that has been considering that Bill and was the subject of some assurances offered on behalf of the Crown. NTI recommends that the NPC provide the parties with documentation on the particular areas where funding inadequacies may interfere with the NPC's fulfilling its responsibilities.

#### **Clarity and completeness and certainty**

It appears that the NPC's most recent draft has remedied many of the earlier concerns in this area. We are unclear on some of the GOC's comments (e.g., page 9) and look forward to further discussion of these.

#### **Permitted and Prohibited Uses/Conformity Determinations**

NTI believes that the DNLUP should be explicit in guiding resource use and development so as to allow sustainable resource development while protecting and promoting the existing and future well-being of Inuit and Inuit owned lands, important wildlife habitat and the environmental integrity of the Nunavut Settlement Area. As the primary agency with responsibility for balancing protection of wildlife and resource

development, the NPC should use its expertise, insight and creativity to make proposals on these sensitive issues, based on the values of the residents.

We hope these comments are helpful, and we look forward to working with you on these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'James T. Arreak', with a stylized flourish at the end.

James T. Arreak,  
Chief Executive Officer