



April 14, 2014

Government of Nunavut  
Department of Environment  
P.O. Box 1000, Stn. 1320  
Iqaluit, Nunavut X0A 0H0

Attn: Minister Johnny Mike

*Delivered By Electronic Mail*

**Re: Extension Request to April 11, 2014 Submission deadline for the Draft Nunavut Land Use Plan**

Dear Minister Mike,

Thank you for your April 10, 2014 letter where you advise the Commission that the Government of Nunavut (GN) is unable to meet the April 11, 2014 deadline for comments on the Draft Nunavut Land Use Plan (DNLUP). Your letter further advises that the GN will not be providing comments or data on the DNLUP until May 30, 2014.

This project is now in its 7<sup>th</sup> year and cannot be further delayed. We understand and respect that many organizations are under-resourced and as such their participation in these processes is often challenged. However, the NPC provided the DNLUP to the GN nearly 20 months ago. We advised the GN of the next steps and timeline for completion of the planning process over a year ago. GN staff participated in the September 2013 Filling the Gaps Workshop designed to facilitate the submission of data and expert advice on the DNLUP 8 months ago.

The Filling the Gaps Workshop summary entitled the *"The Ship is Sailing Report"* contains the following commitment:

- *All planning partners agreed that the NLUP is fundamentally important, that it will be only as good as the information provided and that they will work closely together to ensure that the first-generation NLUP will be submitted by NPC for approval by March 2015.*

To achieve the March 2015 submission date, the deadlines leading up to it must be respected.

During the Filling the Gaps Workshop the GN and other participants requested that a revised land use plan be developed to incorporate the results of the NPC's 20 month public consultation program. Participants went on to suggest that the revised plan be available for review and comment at the

November 2014 Public Hearing. Following the workshop, the Commission agreed to prepare and make available a 'public hearing version' of the DNLUP. Note the expectation of a public hearing version of the DNLUP to reflect consultations is not contained in the: Guide to Engagement; the Nunavut Land Claims Agreement, or soon to be enacted *Nunavut Planning and Project Assessment Act*. It is an initiative being undertaken in good faith in response to requests from the GN and other planning partners. The decision to produce a public hearing version of the DNLUP was based upon commitments from the GN and others that they would provide data and expert advice in accordance with the Commission's established timeline. All other planning partners have fulfilled their commitment.

As background, the inability of the GN to provide data and feedback into the planning process has been a recurring concern of the NPC. Examples of correspondence exchanged with the GN to highlight NPC's efforts to obtain data and expert advice to support the formulation of the DNLUP are provided below:

- between November 4, 2009 and March 17, 2011 the NPC requested data and expert advice from the GN 8 times without success; (A record of the GN engagement in the land use planning process can be found at: [http://www.nunavut.ca/en/draft\\_plan/consultation\\_record](http://www.nunavut.ca/en/draft_plan/consultation_record))
- April 21, 2011, Commission Chairperson Ron Roach wrote to Nunavut's Premier raising concerns that no data or expert advice has been provided to support the formulation of the DNLUP;
- November 3, 2011 the NPC advised the Deputy Minister of DOE that it "*will no longer pursue the matter [of data acquisition from the GN] and "if, at some time in the future the GN is able to provide data in a format that supports the Commission's mandate established under the NLCA please let [the NPC] know.*

To date the GN has not provided data or expert advice to the Commission in a format that will support the development of the DNLUP. It is unfortunate that the GN now considers that taking action to "protract" the Commission's Public Hearing and further delay the completion of the Draft Nunavut Land Use Plan is an acceptable course of action.

The obligation to complete a Nunavut Land Use Plan is a requirement of the Nunavut Land Claims Agreement and many other organizations have invested a great deal of time to participate in the Commission's established land use planning program.

The need to complete land use plans in a timely manner and with available information are highlighted in both:

- The Commission's Broad Planning Policies, Objectives and Goals which state that the development of land use plans: *will rely on the best available Inuit Qaujimajatuqangit and scientific information when making land use planning decisions. The absence of information does not preclude the necessity to make land use planning decisions and to conclude the plan development process in a timely manner.* and
- The Independent Third Party Review (ITPR) undertaken by GN, the Government of Canada and Nunavut Tunngavik Incorporated also acknowledges that: *... timely completion of a first generation Nunavut-wide plan is essential to enable the planning process to focus efforts, as needed, on more detailed regional or even sub-regional components to address development pressures in certain areas.*

It is recognized that the GN has jurisdiction over many programs that hold public data beneficial for developing a land use plan. Regardless the authors of the ITPR state that:

*"...we believe that expectations for the plan may need to be trimmed in order to align with reasonable timelines for completion. Priority setting will contribute to this process as will greater*

*clarity on how issues that cannot be addressed or fully resolved in the first generation plan will be dealt with in subsequent planning or other forums.”*

To defer consideration of the GN submission is an option we would rather not consider at this juncture. Unfortunately as is illustrated above the GN has been challenged to participate in this land use planning program for many years. The Commission remains concerned that the GN’s capacity challenges will persist throughout the completion of the DNLUP.

If the GN intends to participate in this phase of the land use planning process it will be important that steps be taken to provide input as soon as possible in order to be considered as part of the public hearing version of the draft Nunavut Land Use Plan. It is recognized that without GN data and expert advice the NPC may itself be challenged to address certain land use planning issues of importance to many planning partners regarding wildlife, habitat and other matters within the GN’s mandate. Regardless, time is of the essence and the option of considering GN input at November’s DNLUP Public Hearing or through future plan amendments will be considered once the GN is able to participate in the planning process.

In closing, the Commission continues to encourage the GN to provide feedback on the DNLUP in a timely manner. Our staff will consider a future submission as time permits. It is the intent of the Commission to conclude the planning process with the best available information that is provided to us within the established timeline. We remain hopeful that despite its challenges the GN will participate in the land use planning process as designed with a high level of professionalism.

Respectfully,

A handwritten signature in blue ink, appearing to read "P. Kabloona".

Percy Kabloona, A/Chairperson