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NUNAVUT WATER BOARD

NUNAVUT IMALIRIYIN KATIMAYINGI

OFFICE DES EAUX DU NUNAVUT

August 30, 2010

Sharon Ehaloak
Executive Director
Nunavut Planning Commission
Cambridge Bay, NU X0B 0C0
Via Email: sehaloak@nunavut.ca

Re: Nunavut Water Board (NWB) Comments on the Working Draft Nunavut Land Use Plan and Supplemental Information

Dear Ms Ehaloak:

The Nunavut Water Board (NWB or Board) is pleased to provide you with comments on the Working Draft Nunavut Land Use Plan and supplemental information provided to us via notice¹ on June 22, 2010. The NWB's review included consideration of all association documentation provided on the NPC's ftp site and supplemental information² from NPC's website provided to parties following a request for additional information from INAC³. (See attached NWB Memorandum Submission)

Should you have any questions or comments, please do not hesitate to contact me at (867) 360-6338 ext. 27 or by email at dionne@nunavutwaterboard.org

Sincerely,

Dionne Filiatrault, P. Eng.,
Executive Director

cc. Mr. Bernie MacIsaac, A/Regional Director General, INAC via email (bernie.macisaac@inac-ainc.gc.ca)
Mr. Joe Kunuk, Chief Executive Officer, NTI via email (ceo@tunnigavik.com; junuk@tunnigavik.com)
Mr. Simon Awa, Deputy Minister, GN-DOE via email (simon.awa@gov.nu.ca)
Planning Partner Distribution List

Attachment: NWB Memorandum Submission

¹ Letter from S. Ehaloak, Executive Director, Nunavut Planning Commission (NPC), Re: Working Draft of the Nunavut Land Use Plan (NLUP) to Planning Partners (Mr. Bernie MacIsaac, A/Regional Director General (RDG), INAC; Mr. Joe Kunuk, CEO, NTI; Mr. Simon Awa, DM-DOE, GN), dated June 22, 2010.

² Supplemental information identified by NPC in a letter from S. Ehaloak, Executive Director, NPC, Re: IQA-N 8505-1 UNC/CIDMs 400147 correspondence of June 8, 2010: The Nunavut Land Use Planning Process to Mr. Bernie MacIsaac, A/RDG, INAC, dated June 18, 2010.

³ Letter from Bernie MacIsaac, A/RDG, INAC, Re: Land Use Planning Process to Sharon Ehaloak, Executive Director, NPC dated June 8, 2010.



NWB MEMORANDUM SUBMISSION

To: Nunavut Planning Commission Fax No: Via email

Attention: S. Ehaloak, Executive Director NPC Cc: Bernie MacIsaac, A/RDG, INAC
Joe Kunuk, CEO, NTI
Simon Awa, DM, GN-DOE
L. Cornacchio, Mgr. Water Resources, INAC
Planning Partner Distribution List

From: Dionne Filiatrault Date: August 30, 2010

Subject: Review of Draft Nunavut Land Use Plan and Supplemental Documentation

No. of Pages (including this page): 23 Project No: SP/CP7.2-NLUP

Introduction

The Nunavut Water Board (NWB or Board) recognizes the crucial role of integrated land planning and welcomes the opportunity to work with the NPC in this regard. As you well aware, the Nunavut Water Board has statutory mandated obligations regarding our involvement in the development of land use plans as they concern water in the Nunavut Settlement Area. Reflecting this statutory mandate the NWB is not only interested in participating as an IPG, but is required to do so. As such I would re-iterate, the NWB welcomes the opportunity to work collaboratively with NPC and the other planning partners, and interested parties in the development of a Nunavut Land Use Plan (NLUP).

The NWB has had limited engagement from the NPC in the planning process to date. As indicated in the Board's letter to NPC dated June 11, 2010 the NWB extends its sincere appreciation to the NPC for affording it a broad participatory role in the Nunavut Land Use Plan, Technical Workshops held in Cambridge Bay, Nunavut, April 27-29, 2010 and in Edmonton, Alberta, May 18-19, 2010, aimed at soliciting input for the Nunavut land use planning process from both government and industry.

As was apparent, at both workshops, the NWB provided NPC with its general position on watershed management as it relates to the pending Draft Nunavut Land Use Plan in the context of NPC's workshop agenda. However, the NWB also recognized that given the diversity of interests and the limits in terms of time and information that could be covered in respect of any one issue at the workshop, that the venue was not the appropriate place for the NWB to share with NPC the detailed background and information regarding the NWB's approach to watershed management and perspective on how that background and information could be used to support water management under the Nunavut Land Use Plan.

On June 30, 2010, the NWB held bi-lateral discussions directly with NPC's senior planner, to focus discussions between the two IPGs giving due weight and attention to the watershed management component in consideration of the pending Draft Nunavut Land Use Plan. At this meeting the NWB and NPC discussed NPC's timelines, priorities and approach, incorporating water management into the Nunavut Land Use Plan.

In the NWB's view, the first step needed for incorporating water management considerations into a land use plan is the development of a Nunavut-wide Water Management Strategy as a precursor to any specific Watershed Management Plan(s). The NWB and NPC need to develop a consistent understanding and set, for both parties, clear expectations with respect to forthcoming initiatives on watershed management.

Moving forward as NPC can appreciate, the NWB would also welcome receiving direction regarding the timelines for the NWB's specific involvement in the overall NLUP development process so that we can ensure that we have the resources and time to contribute fully to the NLUP development process in accordance with our statutorily mandated obligations.

In formulating recommendations concerning water, the NWB will engage stakeholders with a significant interest in water management in Nunavut, such as municipalities and Indian and Northern Affairs. As NPC may also be engaging these stakeholders in the NLUP process, clarification of the process may also permit us to work together to gather input from these stakeholders in a coordinated and integrated manner. We have no desire to duplicate effort on the part of these participants or NPC, and look forward to, where possible, streamlining and coordinating our contributions to the NLUP development process with these other participants.

Scope of Work

The purpose of the NWB's analysis in the text that follows was:

- To support the NWB's statutorily mandated responsibilities under the *Nunavut Land Claims Agreement* (NLCA) requiring that "the NWB shall contribute fully to the development of land use plans as they concern water in the Nunavut Settlement Area by providing its recommendations to the NPC⁴." Reflecting this statutory mandate, the NWB is not only interested in participating as an IPG, but is required to do so. To date, the NWB has had very limited engagement from NPC in the NLUP development process.
- To provide NPC with more detailed comments than was possible in the two workshops NWB attended to date.
- To identify sensitive or critical issues/parameters that must be addressed related to water management prior to hearings on a final Land Use Plan for Nunavut.
- To provide technical guidance on documentation provided for review.

In summary, the overall scope of work included a review of all available information provided to the NWB to date.

Available Information

The following documents were made available to the NWB through carbon copy email notice on June 22, 2010, titled “Working Draft Nunavut Land Use Plan” and attached “Distribution of Working Draft NLUP June 2010.pdf” for download from NPC ftp site:

Table 1

Doc. No.	Title/Subject	Report/Document Type	Date
1	Working Draft of the Nunavut Land Use Plan (NLUP)	Letter from S. Ehloak, Executive Director NPC to Planning Partners (B. MacIsaac, A/RDG, INAC; J. Kunuk, CEO, NTI; S. Awa, DM, DOE-GN)	June 22, 2010
2	Draft Nunavut Land Use Plan Implementation Strategy	PDF Document	June 2010
3	Environment Canada [Re: Key Migratory Bird Habitat Sites]	Letter from Cynthia Wright, A/Assistant Deputy Minister, Environmental Stewardship Branch to S. Ehloak, Executive Director, NPC	June 17, 2010
4	Environment Canada – Annex 1	PDF Document	Undated
5	Information on Key Migratory Bird habitat	Letter from S. Ehloak, Executive Director, NPC to Cynthia Wright, A/Assistant Deputy Minister, Environmental Stewardship Branch	June 22, 2010
6	Sftp.nunavut.ca – Directory GIS includes:	[Multiple files]	
	DFO_Identified_Atlantic_Cod_Lake.shp	Shp file	June 22, 2010
	DFO_Identified_Atlantic_Cod_Lake.dbf	dbf file	June 22, 2010
	DND_100_Km_buffer_Policy_Direction_Areas.shp	shp file	June 22, 2010
	DND_100_Km_buffer_Policy_Direction_Areas.dbf	dbf file	June 22, 2010
	DND_Active_NWS_Sites.shp	shp file	June 22, 2010
	DND_Active_NWS_Sites.dbf	dbf file	June 22, 2010
	Land_Use_Plan_Does_Not_Apply.shp	Shape file	June 22, 2010
	Land_Use_Plan_Does_Not_Apply.dbf	dbf file	June 22, 2010
	Policy_Direction_Areas.shp	Shape file	June 22, 2010
	Policy_Direction_Areas.dbf	dbf file	June 22, 2010
	Restricted_Access_Areas.shp	Shape file	June 22, 2010

⁴ See NLCA 13.4.1

	Restricted_Access_Areas.dbf	dbf file	June 22, 2010
	Special_Management_Areas.shp	Shape file	June 22, 2010
	Special_Management_Areas.dbf	dbf file	June 22, 2010
7	Sftp.nunavut.ca – Directory – March 29 Presentations from: DFO – Canadian Coast Guard D. Jackson; DFO – Fish Habitat Management; DFO – Canada’s Oceans S. Stephenson; Transport Canada – Marine Safety – Airport Zoning; Parks Canada – Introduction to PCA Issues - New National Parks Proposal – National Historic Sites – National Marine Conservation Areas; DND Public Infrastructure; EC – Habitat Conservation; EC - Canadian Ice Service Leah Braithwaite; Hydrographic Service NPC Minor Variance.	Power Point Presentations	March 29-30 Worshop
8	WDNLUP_p1	Working Draft Nunavut Land Use Plan	Undated
9	WDNLUP_p2	Summary of Implementation Strategy [Includes: Summary of Implementation Strategy; Goal 2 Protecting and Sustaining the Environment and Goal 3 Encouraging Conservation Planning Map; Goal 4: Building Healthy Communities Map; Goal 5: Encouraging Sustainable Development Map]	Undated

In addition, NWB was courtesy copied on correspondence between NPC and INAC on June 23, 2010 that included reference to important information available from NPC website at

<http://www.nunavut.ca/en/about-commission/important-information> :

Table 2

Doc No.	Title/Subject	Report Type	Date
10	Re: Land Use Planning Process (INAC File No: IQA-N 8505-1 UNC/CIDMs 400147)	Letter from Bernie MacIsaac, A/ Regional Director General, INAC to Sharon Ehloak, Executive Director, NPC	June 8, 2010
11	Re: IQA-N 8505-1 UNC/CIDMs 400147 Correspondence of June 8, 2010: The Nunavut	Letter from Sharon Ehloak, Executive	June 18, 2010

	Land Use Planning Process	Director, NPC to Bernie MacIsaac, A/ Regional Director General, INAC	
12	Nunavut Land Use Plan Development Process	PDF document	November 2007
13	Nunavut Land Use Plan Timelines and Milestones	PDF Document	Undated
14	NLUP Consultation Record	PDF Document (table)	June 2010
15	NLUP Issues and Priorities Compilation	PDF Document (table)	Undated
16	Rules of the Nunavut Planning Commission for the Conduct of Informal Public Hearings	PDF Document (scanned)	Undated
17	Implementation of 11.4.1 (a): Broad Planning Policies, Objectives and Goals Rolling Draft Version 2	PDF Document	June 14, 2010

Additional information specific to correspondence from the NWB to the NPC is listed below and may not be reflected on NPC ftp site, consultation record or web site.

Table 3

From	Title/Subject	Report Type	Document Date/Date Provided
NWB	Nunavut Water Board Engagement in Land Use Planning	Letter	April 14, 2009
NWB	Draft Nunavut Land Use Planning and Impact Assessment Act (NLUPIAA) (NWB)	Letter	May 5, 2009
NWB	Follow-up to Letter Re: Nunavut Water Board Engagement in Land Use Planning	Letter	July 3, 2009
NWB	Draft Nunavut Planning and Project Assessment Act (NPPAA)	Letter	August 24, 2009
NWB	Watersheds in the Nunavut Settlement Area	Letter	April 8, 2010
NWB	Shape files and letters provided to NPC of NWB watershed management areas from the Nunavut Water Regulation Working Group	Letter & WMA Shape Files	May 27, 2010
NWB	NWB's Participation in Land Use plan technical workshops, Following Commitments and future involvement.	Letter	June 11, 2010
NWB	Steps Development of Nunavut Water Management Strategy	Draft Framework	June 2010 / June 29, 2010
NWB	NPC-NWB Teleconference Notes NWT Water Stewardship Strategy Northern Voices Northern Waters Discussion	Memo Report Discussion Paper	June 20, 2010 unknown June 20, 2008 / All doc's provided July 7, 2010

Review and Analysis

This section summarizes NWB's comments on the information highlighted by NPC in correspondence to interested Parties⁵. The NWB's review is limited primarily to its functions and overall statutory mandate.

Document No. 1 - Letter from NPC to Planning Partners Re: Working Draft of the Nunavut Land Use Plan (NLUP)

Of note, the NWB as an Institution of Public Government was not involved in the identification of "Issues and Priorities" as stipulated by the NPC. The NWB was only advised that the Issues and Priorities document was available for review following receipt of the June 18, 2010⁶ correspondence from NPC to B. MacIsaac and had not previously been invited to provide input. For specific comments on Issues and Priorities see Document No. 15 below.

Document No. 2 – Draft Nunavut Land Use Plan Implementation Strategy June 2010

In general, the Draft NLUP Implementation Strategy dated June 2010 is insufficiently developed and should be finalized with detailed consultation with all "Planning Partners" including the NWB, prior to hearings on a final NLUP. The Implementation strategy should reference and provide background on all aspects of the Draft NLUP and the process leading to the approval of the final NLUP. Although the document is insufficiently developed for the NWB to provide meaningful and comprehensive review at this time, recognizing the significance of the Implementation Strategy to the NWB, we have attempted to provide specific comments where at all possible.

Recommendation – The Implementation Strategy should be fully drafted for meaningful consultation prior to the hearing on the Draft NLUP.

Section 1 – Definitions

The NWB has concerns that the definitions adopted in the Strategy may be unclear, confusing and could become subject to interpretation. As definitions generally establish the scope and effect of foundation documents such as the Implementation Strategy, a lack of clarity or inconsistency can result in significant implementation issues if not clearly stated at the outset.

Recommendation –In developing "Definitions" NPC should maintain consistency with existing legislation, regulations and where appropriate established federal and territorial guidelines and standards used by the regulators.

Section 2 – NUPPAA Process Maps

This section is insufficiently developed for the NWB to provide meaningful comments at this time. Given that NUPPAA was tabled in the house and has had first reading, it is advisable that draft process

⁵ See Table 1 – Document 1 and Table 2 - Document 11

⁶ Supplemental information identified by NPC in a letter from S. Ehaloak, Executive Director, NPC, Re: IQA-N 8505-1 UNC/CIDMs 400147 correspondence of June 8, 2010: The Nunavut Land Use Planning Process to Mr. Bernie MacIsaac, A/RDG, INAC, dated June 18, 2010.

maps of the expected process under NUPPAA should be provided. Alternatively, until NUPPAA is brought into force, maps of the existing process under the NLCA should be provided.

Recommendation – NPC should include the Draft process maps based on NUPPAA or at a minimum the process maps based on existing NLCA legislation.

Section 3 – NLUP Procedures

This section should include the procedures expected to lead to approval of a NLUP with the federal government and expected timelines. The bullet items listed highlights rules and procedures that should be fully developed and provided to all parties for meaningful consultation prior to a hearing on the Draft NLUP. Building an understanding of the NLUP approval process and timelines is essential to ensure that all parties are prepared for NLUP implementation. Consequently, in our view these procedures must be provided prior to a hearing on a NLUP.

Given their experience with regulatory implementation, the other IPGs can offer NPC the benefit of practical expertise. Full engagement of the other IPGs in the development of these procedures will ensure that clarity, efficiency, consistency and practicality is maintained moving forward. In addition, as NPC's rules of procedure will potentially affect the IPGs' ability to fulfill their respective legislative mandates, it is essential that the IPGs be involved through meaningful consultation on their development.

For example, as the NWB moves forward with the development of a Water Management Strategy, issues may arise (such as defining water, land, water management areas, watersheds, etc.) that will undoubtedly affect provisions in the NLUP. As it appears that the NLUP will be moving forward in advance of the Water Management Strategy being developed, the NWB must understand how amendments to the NLUP will be authorized to ensure that this significant gap in terms of water management will be addressed in future. In the absence of assurance that the NLUP can and will be amended to reflect changes necessary to give effect to the future Water Management Strategy, the NWB would be unable to support the NLUP moving forward at this time in the absence of a more fully developed water management component.

Recommendation – The IPGs and other regulators must be consulted on rules of procedure being developed by NPC. These rules of procedure must be developed prior to the hearing on a NLUP. The process for amending the NLUP must be more fully presented.

Section 4 – Implementation of Terms

This section is insufficiently developed for the NWB to provide meaningful comments at this time. This section of the implementation strategy only refers to implementation of "minor variance" and is not linked to other implementation issues outlined in the previous section (i.e. conformity determinations, plan amendments, etc).

The section begins with a very specific implementation direction for a very specific activity (i.e. height restrictions near airstrips). Clarification is needed in the broad general sense regarding the

parameters and authority of NPC to implement terms and conditions. An overview of what, where, when, who, why and how terms will be implemented would be very useful. The NWB also recommends that any terms and conditions proposed should include footnotes and references to the mandated authority (*i.e.* cite under what legislated authority INAC has the jurisdiction to impose height restrictions near airstrips).

The second sentence refers to implementation of terms as it applies to variance, without a clear explanation of how minor variance fits within the “approval” process (assuming “approval” in this instance refers to NPC’s conformity determination). What constitutes a “minor variance”? What qualifies as a “variance”? In defining “variance” or “minor variance”, consultation may be warranted to streamline processes and ensure consistency amongst the regulatory agencies affected by such activities. Consultation will also assist by determining how the potential activities subject to “variance” and/or “minor variance” and NPC’s interpretation of “variance” fit within existing regulatory structures.

The NWB needs assurance that where NPC’s recommendations of terms fall within the NWB jurisdiction and mandate, that these recommendations do not inadvertently affect the NWB’s authority and decision-making powers in the water licensing process. The NWB has concerns that if NPC proposes to set restrictions or other terms and conditions which require implementation through a water license issued by the NWB this could fetter or unduly restrict the Board’s discretion and this could compromise the principles of natural justice and procedural fairness in our decision-making processes.

Recommendation – (1) Outline board implementation processes for terms and conditions. (2) This section should be linked to previous sections of the Draft NLUP Implementation Strategy (i.e. Definitions and NLUP Procedures). (3) No terms and conditions related to implementation requirements imposed on the NWB should be included without full consultation and sign off verification by the NWB.

Section 5 – Application

This section should clearly and concisely cite the NLCA for the “Application” of any Nunavut Land Use Plan, as well as the provisions for where the LUP applies and where it does not. The Application should be consistent with the authority of NPC as granted under the NLCA and should be consistent with that proposed under NUPPA.

Recommendation – (1) Implementation Strategy should cite authority for “Application” of the Land Use Plan” and this authority should be consistent with the authority granted to NPC under the NLCA and eventually NUPPA.

Section 6 – Permitted Uses in all Zones

We have concern that the use of “Permitted” in this title may lead to some confusion, as that term is generally understood by regulators to mean activities which will be issued a permit, licence or other form of approval. Rewording to “Allowable” Uses in all Zones or “Permissible” Uses may be more reflective of NPC’s intent in this section and may eliminate the potential for confusion.

The strategy lists several permitted uses in all zones in this section. Background information for this section should include the authority and justification for establishing specific allowable “uses in all zones”. From the NWB’s perspective specifically, NPC may want to reference in the list of allowable uses activities identified as “*de minimus* uses” under the proposed Nunavut Water Regulations.

Based on the current listing, NWB has concerns that the establishment of allowable uses in all zones may not allow NPC to complete a thorough assessment of potential cumulative impacts associated with several smaller projects. We are unclear as to NPC’s authority under the NLCA to establish activities “exempt” from application, conformity determination, cumulative impact referrals and NIRB screening. Consequently, additional clarification is required or footnote/reference to authority should be provided.

Recommendation – (1) Recommend that prior to the establishment of a list of “permitted uses in all zones” that the procedures and framework listed in Section 3 must be developed and consultation with the IPGs and regulatory agencies on the list of activities must be undertaken. (2) NPC should consider streamlining the list of permitted uses with established and proposed *de minimus* uses established by regulations. (3) NPC must clarify and reference authority for establishment of “exempted” activities.

Section 7 – Land Uses Eligible for Approval as Minor Variances

As stated previously, establishment of any list of activities subject to being defined as a “minor variance” requires reference to regulatory authorities and consultation by all parties. When considering establishing a list of minor variances, NPC should take into account that variances established on the basis of recommendations from one regulatory authority may affect the regulatory and licensing powers of other authorities.

Recommendation - NPC should develop and consult on rules and procedures for the establishment of Minor Variances prior to the approval a NLUP. In setting specific minor variances NPC should take into account impacts to all regulatory authorities.

Section 8 – Additional Planning Processes

National Park System Plan - National Park should be defined or reference made to definition. The Implementation Strategy refers to “Natural Regions”. Background information should be provided on who established and defined the “Natural Regions”. Whether or not there is an interaction administration of “natural regions” and proposed water management areas should be considered moving forward.

National Marine Conservation Areas System Plan – no comments at this time.

Canadian Heritage River System – The NWB, in the development of a Nunavut Water Management Strategy (NWMS) will take into account all freshwater systems. The NWB is

committed to working cooperatively with the Canadian Heritage River Board in future development of the NWMS and water management plans. Recommend the NPC make reference to a map showing the rivers.

In general, it is unclear as to the purpose of this section. If the purpose of this section is to include on-going management initiatives, then the list should also include NWB initiatives governing water management. The NWB has two significant initiatives which may impact land use plan development for Nunavut, they are:

- Establishment of water management areas
- Development of the Water Management Strategy for Nunavut

Water Management Areas

In 2002, following the passing of legislation respecting the water resources of Nunavut, the NWB through an Order-in-Council adopted the NWT Water Regulations, until such time as the NWB could develop Nunavut specific water regulation as authorized under section 82 of the NWNSRTA⁷. Currently, the NWT Water Regulations⁸ establish four water management areas for Nunavut.

Water management areas in the *NWT Water Regulations* are defined according to major ocean watersheds. These water management areas are vast in size and seem to serve very little purpose in managing the resource; their use is entirely administrative.

Section 82 (4) of the NWNSRTA authorizes the adoption of regulations that may vary from water management area to water management area as may be necessary to reflect the use of waters, the purpose of the use, the quantity and flow of waters used, and the quantities, concentration and types of waste deposited or any other criteria. This regulatory power demonstrates the important role of water management areas contemplated under the Act, extending far beyond a mere administrative role, to the effective overall management of water in Nunavut.

Further, the recommendation to define smaller watersheds, sub-watersheds and river basins as water management areas is consistent with the Federal Water Policy⁹. The proposed water management areas for Nunavut is also consistent with feedback received from other northern jurisdictions that the scale of water management areas defined in the *Yukon Water*

⁷ See NWNSRTA Act, Section 82 (1) *The Governor in Council may, on the recommendation of the Minister, make Regulations [] (a) establishing water management areas in Nunavut consisting of river basins or other geographical areas*

⁸ Section 3 of the *NWT Water Regulations* establishes areas contained in Schedule 1 of the regulations as water management areas. In relation to Nunavut, the following water management areas are defined:

- The island of the James Bay, Hudson Bay, Ungava Bay and Hudson Strait and all the Arctic Islands except Baffin
- Baffin Island
- All water and river basins of the mainland draining into the Hudson Bay and Fox Basin.
- All other waters and river basins draining into the Arctic Ocean or adjacent waters.

⁹ The *Federal Water Policy* (1987) endorses an integrated approach to the planning and development of water resources so that increasing demands upon the quality and quantity of the resource are met efficiently and equitably, and in a manner that ensure that the many values of water and water related resources are recognized, and ensures the continued productivity of the resource and ecosystems depend upon it. The policy also goes on to say that:

Regulations and *NWT Water Regulations* are too large to be useful for effective water management.

Subdividing the existing four water management areas into smaller water management areas that reflect actual watersheds would enable water management areas to be more effectively used as a tool to manage water use, protect water quality and assess cumulative effects. As noted previously, this approach is supported by Section 84 (4) of the NWNSRTA that allows for the creation of specific regulations to manage water within different water management areas, and this flexibility to reflect the varied conditions of specific water management areas indicates that water management areas were not intended to be relied upon solely as an administrative tool.

An example of the potential significance of the interplay between the provisions of the NWNSRTA that establish water management areas and the NLUP is perhaps best illustrated by an example. Although the NWB jurisdiction does not extend to drinking water quality, the Board does have power over regulation, use and management of water in Nunavut, and the Board's power to issue licences and therefore authorize activities could have an impact on drinking water supplies. By defining drinking water sub-catchments as water management areas the Board could, at a later date, create regulations for water use, works and deposit of waste in these specific areas as may be considered advisable or necessary to protect drinking water supplies. The NWB recognizes that such action would need to be carried out in conjunction with municipal planning authorities and GN Health and Social Services who have regulatory authority over drinking water in Nunavut, and is hopeful that this activity could be undertaken in the near future.

Reflecting the importance of water management areas to effective overall water management in Nunavut, the NWB recommends that reference should be made to the map layer identifying water management areas that was provided by the NWB to NPC in May 2010.

The NWB is committed to establishing water management areas for Nunavut and these water management areas will ultimately need to be reflected in the water management approach adopted under the NLUP.

Water Management Strategy for Nunavut

In 2003 following a Water Management Workshop¹⁰ interested parties identified the need for a Water Management Strategy for Nunavut.

Based on the water management provisions established in the NLCA, the intent of the initial Freshwater Management Framework¹¹ was to contribute to the development of sustainable land use planning within Nunavut. The success of the framework was dependent on the

"In support of its commitment to this strategy of integrated, long-term planning for the development and management of water and related resources, the federal government will: Encourage, on the basis of a watershed, or other appropriate spatial unit, the integration of water management plans and objectives with those of other natural resource interests"

¹⁰ Water Management Workshop held on November 4-6, 2003 in Iqaluit sponsored by INAC Water Resources.

participating parties' ability to work cooperatively towards achieving its goals. The NPC was invited to participate in the development of the framework, but regrettably no input was received at that time.

In 2006 and 2007, due to major changes at the senior levels of many of the parties involved in the development the initial framework, additional work beyond the draft planning stage did not proceed.

In June 2010, when NWB became aware of NPC's proposed NLUP development timelines, the NWB recognized the urgent need to proceed independently in the development of a water management strategy for Nunavut. In the NWB's view, water management remains a significant gap in the current NLUP due to very limited opportunity given the NWB to participate in the NLUP development process to date. Existing legislation recognizes the important interrelationship between land use plans and the NWB's water management responsibilities, even expressly including the legislated requirement in s. 36 (1) of the NWNSRTA that the NWB contribute "fully" to the development of land use plans so far as they concern waters in Nunavut. Although the limited engagement by NPC of NWB in the NLUP process to date does not, in the Board's view, reflect this important interrelationship, the NWB, in moving forward with the development of the Nunavut Water Management Strategy intends to recognize this interconnectedness. We recognize that the Water Management Strategy needs to be on par with NPC's Board planning objectives, and the NLUP should be integrated with and include consideration of the Nunavut Water Management Strategy. The NWB also envisions that eventually proposed regional plans will also need to reflect the future development of watershed specific plans.

Unfortunately, the absence of a Nunavut Water Management Strategy does limit NWB's ability to provide meaningful input at this stage of development of the NLUP. However, as mentioned above, once the Water Management Strategy has been completed, it is reasonable to expect that amendments to the NLUP may be necessary, and it is therefore essential that the NWB have an understanding of the rules and procedures for plan amendments identified in section 3. Given the importance of the future Water Management Strategy to the integrated and effective management of water resources under the land use planning jurisdiction of NPC and the water management jurisdiction of the NWB, the NWB has considerable concern that it appears that under the current NLCA provisions amendments to a plan are subject to NPC discretion only and no appeal process is identified. To support the NLUP without a more defined and substantive approach to water management, the NWB needs to ensure that future procedural options for amending or modifying the NLUP as may be required to incorporate the Nunavut Water Management Strategy must be provided.

Section 9 – Community Water Supply and Aerodrome Zoning

This section is insufficiently developed for the NWB to provide meaningful comments at this time. However, as this section makes specific reference to "water", and the NWB's jurisdiction is

¹¹ Draft - Agreement in Principle on the Scope of Freshwater Management Framework and Action Plan for Nunavut prepared by Kendra Patrick, A/Manager Water Resources, INAC, dated April 4, 2005. (most recent draft)

the management, use and regulation thereof, this section must be fully developed with the NWB having had an opportunity to review and provide recommendations prior to a hearing on any Draft NLUP for Nunavut.

A sample zoning map is proposed for Coral Harbour; this raises the question as to whether NPC intends to develop zoning maps for all Nunavut communities to assist regulators. In the sections that follow (i.e. 10 and 11 of the Implementation Strategy) NPC states that these sections will provide more detailed illustrations and policy direction, although it is unclear to whom the policy direction will be issued.

Section 10, 11, 12 & 13 – Military Site Zoning, Atlantic Cod Lakes Zoning, Important Bird Habitat Zoning, Community Interest Zoning, respectively

This section is insufficiently developed for the NWB to confirm if there may be comments with respect to the NWB overall mandate over the use, management and regulation of water.

For example: How is community interest zoning defined? Are traditional water sources identified? How might the NWB be required to take the information into account in a water licence?

Section 14 – Summary of Terms

For any recommendation of terms provided, NPC should provide annotation, justification and supporting background information supporting the establishment of the recommendations.

Recommendation – NPC should provide “Reasons” for establishment of any recommendation of terms.

Section 14.1 Special Management

Need to define what is “Special Management”, otherwise the terms outlined in this section could be interpreted subjectively. It is unclear as to who (NPC, the applicant, relevant regulatory authorities?) will be required to interpret the terms. This should be clarified and clear direction of the process needs to be provided to solicit appropriate feedback.

Specifically, with regard to Municipal airport zoning and potential bird attractants due to waste facilities within 8 km of an aerodrome, based on the Board’s recent experience with these situations within communities, it is likely that most, if not all, communities will be out of compliance and would require consideration of a minor variance as a result. For water licensing, understanding this variance process is critical to identifying changes to our process and timelines to reflect that minor variances will likely become a necessity immediately upon approval/implementation of the NLUP if this provision remains as presented.

Section 14.2 Policy Direction

It is unclear as to how NPC’s power to issue policy directions is intended to interact with and reflect the powers and fair decision-making processes required of regulatory agencies such as the NWB. While the NWB recognizes that the NLUP is intended to guide and direct short term and long term development, the

respective mandates and discretion of regulatory agencies that may be affected by NPC's issuance of policy direction to a specific regulatory agency cannot result in fettering of that regulatory agencies' decisions or ability of the regulatory agency to fulfill their legislative mandate.

NWB would suggest that any direction provided by NPC in this section include a commitment to ensure that this would not result in duplication of requirements already mandated to the NWB through the NWNSRTA or the NLCA. For example the NWB requires applicants to provide the qualitative and quantitative effects of the use of waters or the deposit of waste on the drainage basin where the use is to be undertaken or the deposit is to be made and the anticipated impact of the use or deposit on other users and well as any matter the NWB considers relevant¹². To require the NWB under Municipal Water Supplies to "consider the impacts of activities on the quality and quantity of water" is duplicating NWB mandated obligations. The terms recommended in the implementation strategy are incomplete when considering the overall recommendations that might be provided to manage water resources within a municipality or any other water supply for any type of undertaking licensed by the NWB.

Recommendation – NPC should make every effort to avoid duplication when establishing recommendations for conditions where the NWB is already legislatively mandated.

Reference is made to "industrial activities", and this must be defined in the NLUP. Currently there exists some diverging interpretation on definitions/types of undertakings classified as "industrial activities" under various regulatory requirements. For example, the current NWT Regulations and proposed NWB regulations define types of undertakings classified as "industrial activities". Any definitions proposed by NPC should be reviewed and agreed upon by all parties such that consistency is maintained with existing legislation, regulations, and orders. Definitions are crucial in guiding interpretation of content within the NLUP and should be clearly identified in advance and parties given the opportunity to comment.

Transboundary Considerations

Although we note that for projects located in the Nunavut Settlement Area, the transboundary effects either partly or entirely outside the Nunavut Settlement Area are highlighted in this section, it does not appear to address the transboundary effects that may occur within Nunavut from projects that are wholly outside the Nunavut Settlement Area. This raises the question as to whether it is contemplated that the NLUP will apply to these types of transboundary impacts.

14.3 Restricted Access

"Restricted Access" should be clearly defined. In addition to adopting a clear definition, with respect to areas meeting the definition of "restricted access" NPC should provide the basis for designating the restricted access zone, including the jurisdiction, justification and supporting background information supporting the designation. For example: Who has recommended the access restriction for "municipal water supplies"? For what purpose? Why only for the communities highlighted? What is meant by restricted access in this instance (i.e. Does it include traditional water uses or IOL water uses)? Will there be maps of sufficient detail showing the restricted zone provided by NPC? As the NWB is the primary authority/ responsible for the use,

¹² See NWNSRTA Section 48(3)

management and regulation of fresh water in Nunavut including licensing municipal water supplies, prior to establishing any restrictions on fresh water, NPC would need to provide clear justification. As NWB has not been consulted on this restriction, and it has the potential to significantly affect the NWB's jurisdiction, we would not recommend inclusion of this provision in the NLUP or implementation strategy at this time.

Recommendation – NPC should clearly define “Restricted Access” thresholds and consultation the NWB must take place on “restriction proposed” for freshwater and/or waste disposal activities to freshwater.

General

Information Gap

The Implementation Strategy does not speak to transition provisions that would outline how the NLUP will be implemented with respect to existing users or licence holders and the basis for conformity determinations when an already authorized activity becomes the subject of a renewal or amendment application. Are there grandfathering provisions intended to apply to existing users, and if so what are the timelines applicable to existing users or licence holders? In addition NPC needs to identify their intention regarding the application of existing regional land use plans.

Recommendation – NPC must include transitional procedures and provisions in the implementation strategy to guide existing permit, authorization and/or licence holders and regulatory bodies.

Current Practice Procedures

It is unclear whether the current practice for NPC is to review conformity based solely on the specific activity identified in an application, or whether the conformity assessment involves the more global assessment of a project proposal that is substantially complete and identifies all permits, authorization/etc such that the conformity assessment is made at the project scoping level rather than at the individual application/permit regulatory level. Clarifying the current practice in this regard is advisable.

Given the increasing focus on municipal activities the NWB has seen in recent months, clarification from NPC regarding their current approach to excluding municipalities from the application of land use plans (and therefore from conformity assessment) should be outlined. By extension, clarification regarding NPC's approach to municipal activities under the future NLUP should also be included.

Document 3, 4, 5 – Environment Canada [Re: Key Migratory Bird Habitat Sites], Environment Canada – Annex 1 and Information on Key Migratory Bird Habitat

The NWB has no specific comments with regards to migratory bird habitats. This topic is outside the NWB jurisdiction.

Document 6 – GIS Directory of files

The information provided on NPC ftp site was difficult to view, as GIS or specialized software was required to view the files downloaded from NPC's ftp site. For ease of access, the parties should have been advised on the necessary systems to view the information.

In addition, shape files and database files, when viewed with appropriate software, had to be manipulated in order to derive context and bring perspective to information. A base Nunavut map layer should be provided.

While the NWB recognizes that the GIS data was ultimately incorporated into the WDNLUP_P1 and P2 documents, the ability to view source data is helpful if the need for clarification arises.

The NWB was disappointed to discover that despite the fact that the NWB provided NPC with the shape files identifying the NWB's established Watershed Management Areas in May 2010, this input has not been reflected anywhere and the files were not available for download on the ftp site. By not including a layer on the interactive map for the Watershed Management Areas, it appears to the NWB that NPC does not view water management as an important component of NLUP. This omission is particularly striking when NPC's interactive map on the website depicted information for archaeological sites, oil and gas resources, transportation corridor, etc. As the NWB's comments throughout this document reflect, it is the NWB's view that the absence of any substantive water management information in the NLUP is a significant gap that needs to be addressed. The NWB is committed to ensuring this water management information gap is filled and this information is eventually included in the NLUP, or subsequent amendments to it. Accordingly, the NWB requires clarification of NPC's commitments in this regard and timelines for inclusion of this information in the NLUP or amended NLUP.

Recommendation – (1) NWB established water management areas provided to NPC in May 2010 should be incorporated into the Draft NLUP.

The NWB is committed to ensuring the water management information gap is filled and this information is included in the NLUP.

Document 7 - SFTP/ Nunavut Directory March 29 Presentations

It is clearly evident, based on the information provided in the draft Implementation Strategy (IS), that the presentation provided by parties on March 29 was of assistance to NPC in preparing the implementation strategy. It should be noted that the parties making presentations on March 29 were a small sample of the regulatory agencies and other "planning partners" (such as the IPGs) who are affected by the NLUP and have significant feedback to offer in that regard. Unfortunately, these additional parties were not invited to make similar presentations, and as a result, the draft IS reflects only limited input and perspective. Given the NWB's substantive legal obligation to contribute fully to the water management aspects of the NLUP, we do not understand the basis for our restricted engagement to date, but anticipate that as NPC increases their awareness of the substantive legal requirements associated with NWB's mandate and of the potential for NLUP to significantly impact the NWB as a licensing agency, NPC will remedy these consultation deficiencies by supporting the necessary engagement in the coming months.

The NWB looks forward to presenting our perspective and recommendations to the Commission at their convenience.

Document 8 & 9 – WDNLUP p1 & WDNLUP p2

The NWB provides the following comments and/or recommendations on the Draft Nunavut Land Use Plan “maps” provided by NPC in the context of Article 11, Part 3: Land Use Plans¹³:

11.3.1 A land use plan shall be a document containing text, schedules, figures and maps for the establishment of objectives and guidelines for short-term and long-term development, taking into account factors such as the following:

Comment: Unclear what constitutes the long term objectives and guidelines in the current Draft NLUP.

a) demographic considerations;

Comment: Demographic considerations have not been identified;

b) the natural resource base and existing patterns of natural resource use;

Comments: The natural resource base (i.e. geology) is identified on the map for Goal 5: Encouraging Sustainable Economic Development, however given the level of detail provided, the utility of the information is questionable. Some point source data for existing resource use has been provided, but it appears that historical data has not been provided, and a lack of both current and historical data makes it impossible to assess patterns and trends in resource use.

c) economic opportunities and needs;

Comment: It is unclear how economic opportunities and needs have been included in the current Draft NLUP.

d) transportation and communication services and corridors;

¹³ NLCA Article 11.3.1 states:

A land use plan shall be a document containing text, schedules, figures and maps for the establishment of objectives and guidelines for short-term and long-term development, taking into account factors such as the following:

- (a) demographic considerations;
- (b) the natural resource base and existing patterns of natural resource use;
- (c) economic opportunities and needs;
- (d) transportation and communication services and corridors;
- (e) energy requirements, sources and availability;
- (f) community infrastructural requirements, including health, housing, education and other social services;
- (g) environmental considerations, including Parks and Conservation Areas, and wildlife habitat;
- (h) cultural factors and priorities, including the protection and preservation of archaeological sites and outpost camps; and
- (i) special local and regional considerations.

11.3.2 The purpose of a land use plan shall be to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, taking into account the interests of all Canadians, and to protect, and where necessary, to restore the environmental integrity of the Nunavut Settlement Area.

11.3.3 A land use plan shall contain an implementation strategy.

Comments: The information provided with respect to transportation is limited to land facilities (i.e. roads and proposed roads and railways). The information should include more detailed information on all types of transportation facilities such as land, marine and air, including their existing facilities, proposed facilities, service patterns, etc. It may be useful to reference the 2001 Government of Nunavut Transportation Strategy (Vision, Technical Document, Technical Document Appendices and CD-ROM)¹⁴.

The Draft NLUP should define what is meant by communication services, corridors, transportation corridors or otherwise. The maps do not include a description of existing, proposed corridors or other information with regard to communication services.

e) energy requirements, source and availability;

Comments: Energy potential could take several forms, but NWB assumes the Draft NLUP reference to future energy potential is referring to hydro-power development potential. If this is indeed the case, it would be helpful to be specific about the type of energy potential included in the plan.

On this basis, it appears that the energy potential on Map for Goal 5 may be incomplete, for example, it is our understanding that Qulliq Energy Corporation (QEC) has identified a potential hydro dam on McKeand River as well as several sites around Frobisher Bay.

f) community infrastructural requirements, including health, housing, education and other social services;

Comments: The summary of the implementation strategy states “the land use plan does not apply within established Parks or within municipal boundaries.” The proposed Draft NLUP appears to be inconsistent with the requirement to consider community infrastructure if the Draft NLUP expressly excludes activities taking place on municipal land. Consequently, NPC’s jurisdictional authority to exclude project proposals from the “application” of the land use plan activities when they are taking place within municipal boundaries should be clearly stated. It is difficult to see how this approach fits with NPC’s Broad Planning Policies, Objectives and Goals, Goal 4 “Building Healthy Communities,” when the NLUP won’t apply to community infrastructure within municipal boundaries.

g) environmental considerations, including Parks and Conservation Areas, and wildlife habitat;

Comments: Water Management considerations must be included under this section, as provided by the NWB, for the establishment of water management areas.

Environmental monitoring for all aspects of the environment is a fundamental tool for management of the environment in protecting, promoting and restoring the environment where necessary. The NLUP should make reference to the NGMP and how it may assist in the management of land use in Nunavut. In addition, significant work has been done to date to

¹⁴ Nunavut Transportation Strategy Technical Report prepared for Department of Community Government and Transportation, Government of Nunavut, Gjoa Haven, NU, dated May 2001 by LPS Aviation Inc.; Ferguson, Simek, Clark; The Mariport Group Ltd.; and Innirvik Support Services Inc.

characterize and locate contaminated sites and this information does not appear to be reflected in the Draft NLUP. Is there anywhere in the current draft where abandoned and/or remediated sites are identified?

MAP depicting Goal 2 identifies some wildlife components. It is unclear to us how these areas were selected as priorities for consideration, and the basis for the selection of priorities would be very useful. It is also unclear from this layer how the Draft NLUP will be used to establish on-going short-term and long-term objectives for protecting, promoting and restoring wildlife components where necessary.

In addition, without clear protocols, directions and/or restrictions it is unclear how the Draft NLUP will operate to protect wildlife. In addition it is unclear how a “user” or applicant submitting a project proposal will be expected to respond to the presence of a highlighted wildlife area when it occurs within, or may be affected by the project being proposed.

- h) *cultural factors and priorities, including the protection and preservation of archaeological sites and outpost camps; and*

Comments: The current Draft NLUP provides no text, maps or figures to identify how cultural factors and priorities (i.e. traditional water sources) where they exist (if known or not) might be considered. Text and data related to the location, protection and preservation with respect to archeological sites is also absent from the Draft NLUP.

- i) *special local and regional considerations.*

Comment: The Draft NLUP does not provide text, maps, figures or any other information taking into account special local and regional considerations.

11.3.2 The purpose of a land use plan shall be to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, taking into account the interests of all Canadians, and to protect, and where necessary, to restore the environmental integrity of the Nunavut Settlement Area.

Comments: The Board has several questions arising from this section: How in the format proposed will the DLUP fulfill the purpose as outlined in 11.3.2? It is unclear as presented that the DLUP fulfills this purpose.

The purpose of the LUP as stipulated in 11.3.2 above also requires the plan “to protect and promote the existing and future well being of the residents and communities of the NSA” and again the NWB would question NPC application that they are not required to establish objective and guidelines for short term and long-term development with respect to municipalities. Also, how does the NLUP take into account the interests of all Canadians?

11.3.3 *A land use plan shall contain an implementation strategy.*

Comments: Detailed NWB comments were provided for NPC Draft Implementation Strategy. Given that the LUP “shall contain an implementation strategy” the NWB would re-iterate its prior recommendations.

Recommendation – the Implementation Strategy and components thereof should be finalized and included with a final NLUP prior to consultation or hearings on the Land use Plan.

General Comments

NPC needs to clarify if the maps (i.e. shown on document no.9 - WDNLUP_p2 will be part of the Draft NLUP or a supporting document.

The Draft NLUP as currently presented does not appear to have taken into account existing initiatives that may impact overall land management, including the implementation of existing management strategies (i.e. Nunavut Energy Strategy, Nunavut Transportation Strategy, and Nunavut Water Management Strategy). The integration of these existing strategies may be useful to minimize duplication and overlap, and help to prevent inconsistency.

For document WDNLUP_p1 Working Draft Nunavut Land Use Plan the legend is disjointed in several locations on the map and this creates confusion for the user. For example, proposed parks are listed as “restricted areas” (bottom of the map page) and existing parks are identified as an Administrative Layer for areas where the Draft NLUP does not apply (within established Parks) (top of map page).

Document 10 & 11 - Letter INAC to NPC Re: Land Use Planning Process & Letter NPC to INAC in response

No comments

Document 12 – Nunavut Land Use Plan Development Process

No comments

Document 13 – Nunavut Land Use Plan Timelines and Milestones

With respect to “Planning Partner expectations” and the statement that “the Land Use Plan should not duplicate existing regulatory processes,” the NWB strongly agrees with the statement, but notes that as a primary environmental regulator in Nunavut, consultation and cooperation with the NWB is crucial to achieving the stated expectation. To date, the NWB’s lack of direct involvement¹⁵ with respect to the identification of issues and priorities in terms of water management components of the Draft NLUP, have

¹⁵ The NWB received notification of Issues and Priorities Compilation (NWB Document 15) on June 23, 2010. NPC has not requested feedback on this document from the NWB.

resulted in gaps in that regard in the Draft NLUP. Please note that while the NWB welcomes the opportunity to participate and is statutorily mandated to do so, the NWB also recognizes that to effectively participate and contribute constructively to the Draft NLUP development process we will require sufficient time and notice to secure necessary resources.

As the terms of the plan are implemented through permits, licenses and other authorizations it will be important for the NWB to have more direct and comprehensive consultations with NPC that are specific to the water management issues under the Draft NLUP to ensure that the eventual terms and conditions imposed in a NLUP do not bind the legislative authority of the NWB and that in the NWB is able to provide input in respect of the terms and conditions that may directly or indirectly affect the NWB.

Document 14 – NLUP Consultation Record

The consultation record appears incomplete and does not include ongoing requests and correspondence from the NWB regarding request for engagement in the land use planning process over that last several years. Please refer to Table 3 above.

Document 15 – NLUP Issues and Priorities Compilation

Contrary to the NPC correspondence to the Planning Partners dated June 22, 2010 re: Working Draft of the Nunavut Land Use Plan (NWB Document 1 above), the NWB was not directly involved in the process of “identifying Issues and Priorities” as provided in Draft NLUP Issues and Priorities Compilation. Consequently, although it is quite “late in the day” to be commenting on this information, and recognizing that the NWB has not had the benefit of previously providing detailed comments over time during the development of this document, we offer the following general comments:

Many of the “Main Issues” identified require licensing by the NWB, therefore the NWB recommends that any directions or recommendations resulting from detailed evaluation of the issues be provided to the NWB for consideration in the development of the DNLUP.

For example the NWB has a direct role in licensing:

- Scientific research camps, fuel caches
- Water management and licensing on Canadian heritage rivers
- Restoration and reclamation of facilities in cooperation with land owners
- Dew lines sites and reclamation/restoration of dew line or NWS
- Establishing reclamation standards that includes assessment of Human Health and Ecological Risks to establish remediation criteria
- Water Quality and Quantity
- Water Sources
- Community water and waste infrastructure
- Dam and dykes where climate change and permafrost issues a significant consideration in design
- Camps for waste site clean ups
- Linear Developments (Pipelines, water crossings, all weather roads, dams/dykes, hydro developments)

- Ice/winter roads
- Airstrips
- Emergency Response for all type of undertakings that use water or there is waste disposal that may impact water.
- Waste Management
- Any development (industrial, mineral, power, etc) requiring the use of water or disposal of waste
- Operational/administrative issues may include: security, performance bonding, and regulatory efficiency (minimize duplication).

As stated previously, while the NWB recognizes that the NLUP is intended to guide and direct short term and long term development, the respective mandates and discretion of regulatory agencies that may be affected by NPC's issuance of policy direction to a specific regulatory agency cannot result in fettering of that regulatory agencies' decisions or ability of the regulatory agency to fulfill their legislative mandate.

Document 16 – Rules of the Nunavut Planning Commission for the Conduct of Informal Public Hearings

In general, it is unclear as to what the concept of “informal” public hearings involves and how this process (assuming it to be different than public hearings generally) may impact procedural fairness and natural justice. Clarifying these points would be very helpful to understand how the other IPG hearing processes may be the same as or differ from the type of hearings contemplated by these Rules.

Document 17 – Implementation 11.4.1. (a) Broad Planning Policies, Objectives and Goals Rolling Draft Version 2

No comments at this time. The NWB acknowledges receipt of the original document in 2007, however due to organization restructuring the NWB was unable to meet NPC timelines in providing comments at that time. The NWB is committed to future development of a NWMS in which the NWB will take into account NPC's Implementation 11.4.1 (a) Broad Planning Policies, Objectives and Goals document.

Conclusion

To conclude, more work needs to be done and clarification is needed on two of the key documents reviewed by the NWB, the implementation strategy and the working Draft NLUP. A detailed and complete implementation strategy as required by 11.3.3 of the NLCA is essential for full meaningful consultation prior to any hearings on a Draft LUP. The information provided by the NWB to NPC with regard to the proposed water management areas must be incorporated into a Draft NLUP.

The NWB looks forward to working cooperatively and in depth on the issues related to water in the Draft LUP and hopes that NPC clearly understands the statutory obligation on the NWB for providing recommendations on a Draft LUP.

The NWB trust this information meets with NPC's request for comments and provides you with a more detailed picture of our perspective. We would welcome the chance to discuss the issues and our comments in greater depth at a time mutually agreeable to both organizations. Please feel free to contact

the undersigned at your convenience should you have any questions, require additional information or wish to follow up with me regarding this document.

The Nunavut Water Board is committed to supporting the NPC in the development of the Nunavut Land Use Plan. As stated previously, the NWB recognizes the crucial role of integrated land use planning and welcomes the opportunity to work with the NPC in this regard.

Yours truly,

Dionne Filiatrault, P. Eng.,
Executive Director