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Your file - Votre référence

Our file - Notre référence
IQA-N 8505-2 UNC/ CIDMs 436748

December 7, 2010

Adrian Boyd
Director, Policy
Nunavut Planning Commission

Via e-mail: aboyd@nunavut.ca

Re: Working Draft Nunavut Land Use Plan

Dear Adrian:

This summer, Commission staff released a "working draft land use plan" for comment to the Government of Canada, the Government of Nunavut and Nunavut Tunngavik Inc. On September 16, 2010, the Government of Canada provided the Commission with comments on the working draft. In Canada's view, it was evident that the Commission's materials were "at an early stage of development".

Canada's comments on the summer 2010 working draft identified fundamental concerns with the approach to planning reflected in your materials. Those materials did not resemble the working draft plan Canada expected to see. Canada's expectations were formed through our understanding of the Nunavut Land Claims Agreement and in the course of five years of intensive discussion within the working group to develop Bill C-25, which Canada believes had achieved a shared understanding of what a Nunavut land use plan would require.

Bill C-25 built upon the planning framework in the NLCA in explicit reliance on Commission assurances that its future proposed land use plans would have certain characteristics. Canada saw several of these characteristics as absent in the summer 2010 working draft. Canada's September 16th letter therefore counseled a fundamental reconsideration of the Commission's planning approach.

On October 29, 2010 the Government of Nunavut shared its comments on the same working draft materials. It is fair to describe those comments as critical. Canada shares the Government of Nunavut's view that the working draft materials did not meet the requirements of NLCA Article 11, and that the materials were in need of major revision.

On November 15, 2010 the Commission's Executive Director wrote to the Government of Nunavut regarding the Commission's progress. In that letter, Ms.

Ehaloak states that the Commission has now determined that it will propose a "traditional book format" for the land use plan. It therefore appears that Commission staff have begun to undertake a process of revision commensurate with the degree of concern raised by both Canada and the Government of Nunavut that the map based approach in the summer 2010 working draft materials might be unable to support a useable Nunavut land use plan. Canada welcomes the return to a more traditional Northern land use plan, which we expect will be formatted along the lines of the Gwich'in Land Use Plan, with appropriate modification for the Nunavut Settlement Area context.

Ms. Ehaolak states that the Commission is "finalizing" a draft land use plan. Given the degree of departure from the summer 2010 working draft, and in particular the adoption of the more traditional book format, it must be noted that the draft land use plan the Commission is speaking of "finalizing" has yet to be seen outside your Commission in this or any prior comparable version. The last set of materials distributed by the Commission for consultation was not perceived by Canada as being on the right track. It would serve all interests to ensure that the Commission is on the right track before launching into the plan approval process.

Ms. Ehaloak states that the Commission has already addressed many of the questions raised regarding the working draft. Canada presumes this statement includes these questions raised by Canada. We have no doubt that Commission staff have made efforts to adjust their present initiatives in light of the many significant comments from Government of Nunavut and Canada. However, it must be said that we have no basis at this time to determine whether those efforts have yet been successful. Canada would welcome a structured opportunity to provide the Commission with this feedback on any new planning approach prior to the Commission engaging the NLCA land use plan approval process.

Canada respects the Commission's ability to put parameters around the degree of stakeholder comment on its preliminary work. However, in view of the importance of the draft land use plan (as the term "draft" is used in NLCA and Bill C-25) it would invite confusion, conflict and perhaps embarrassment to submit the document into the NLCA approvals process, despite having received no government, Inuit or public feedback. Canada suggests it would be prudent for the Commission to satisfy itself that the Government of Canada, the Government of Nunavut and Inuit regard any proposed draft plan as an appropriate starting point prior to expending scarce resources on a planning approach that may not be workable.

If the Commission chooses not to provide a structured opportunity for feedback prior to engaging the NLCA plan approval process, there is an increased risk that the approval process will be unsuccessful, and the Commission will be no further along in meeting its obligation to develop useable land use plans.

Sincerely,

[original signed by]

Bernie MacIsaac
Director, Operations
Indian and Northern Affairs Canada

c.c.:

Sharon Ehaloak, Nunavut Planning Commission
Mike Mifflin, Government of Nunavut, Department of Environment
David Kunuk, Nunavut Tunngavik Incorporated
Government of Canada departmental representatives (list enclosed)

Government of Canada Departmental Representatives who received the letter dated December 7, 2010 regarding the working draft land use plan:

Maryse Mahy, Parks Canada
Allison Stoddart, Parks Canada
Doug Yurick, Parks Canada
Ann Ronald, Parks Canada
Ken Concoran, Environment Canada
Siu-Ling Han, Environment Canada
Vicky Johnson, Environment Canada
John King, Natural Resources Canada
Amie Baker, Natural Resources Canada
Karen Hurst, Department of Fisheries and Oceans
Derrick Moggey, Department of Fisheries and Oceans
Eric Kan, Department of Fisheries and Oceans
Ken Landa, Legal Counsel, Northern Region - Nunavut Office, Department of Justice
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