



Government
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August 19, 2022

Chief Negotiators Benji Denechezhe and Geoff Bussidor
Ghotelnene K'odtjneh Dene
415-70 Arthur Sr
Winnipeg MB R3B 1G7

BY EMAIL

RE: 2021 Draft Nunavut Land Use Plan

Dear Chief Negotiators Denechezhe and Bussidor,

This letter is intended to ensure that all Indigenous rights holders with asserted or established Aboriginal or Treaty rights adjacent to or overlapping with the Nunavut Settlement Area are aware of the 2021 Draft Nunavut Land Use Plan. The Draft Plan was released by the Nunavut Planning Commission (the Commission) on July 8, 2021 and is currently under public review. It will be the subject of a series of five regional public hearings in the fall of 2022.

Outlined below are proposed steps on how the Government of Canada and the Government of Nunavut intend to take to evaluate, coordinate, and fulfill the constitutional duty to consult with Indigenous peoples.

Background

The Nunavut Planning Commission is a co-management board established as an institution of public governance pursuant to the Nunavut Agreement to prepare land use plans for the Nunavut Settlement Area. The Commission is developing a land use plan for all of the Nunavut Settlement Area; the most current Draft Plan was released in July 2021.

The 2021 Draft Nunavut Land Use Plan is intended to serve as a guide for conservation and development in the Nunavut Settlement Area through the application of land use zone designations. The Draft Plan also conveys important information on Valued Environmental or Socio-economic Components that must be considered by proponents and regulators. Land Use Plans apply to projects, as defined in the *Nunavut Planning and Project Assessment Act*, in both land and marine areas within the Nunavut Settlement Area. The Draft Plan, related documents, maps, and comments, are available here:

<https://lupit.nunavut.ca/portal/registry.php?public=docs&q=16&c=1043&searchtext=>

The public review period for the Draft Plan is ongoing and the public record will remain open until January 10, 2023. Next steps in the Commission's public review process, including public hearings scheduled for Fall 2022, are available on the Commission's public registry, at: https://lupit.nunavut.ca/portal/dms/dms_download.php?fileid=20348&applicationid=0&sessionid=k0j0u513tbf4j61iljm40apiu. If you would like to be registered as a participant, added to the distribution list, or if you would like more information on the public review process, you can email the Commission at samuno@nunavut.ca.

Once the public record closes, the Commission intends to revise the Draft Plan and submit it to the approving parties. As per subsection 54(1) of the *Nunavut Planning and Project Assessment Act*, approval of the Draft Nunavut Land Use Plan requires the joint acceptance by the federal

Minister of Northern Affairs, the territorial Minister of Environment, and Nunavut Tunngavik Incorporated, and final approval by the Governor in Council and the Executive Council of Nunavut.

Plan to Consult

Her Majesty in Right of Canada has consultation obligations to Indigenous rights holders with regards to the decision whether or not to accept and approve the Draft Plan. The Government of Canada and Government of Nunavut have agreed to conduct consultation jointly.

The Crown relies on the Commission's process, and associated proceedings, as laid out in the Nunavut Agreement and the *Nunavut Planning and Project Assessment Act*, to assist with discharging the procedural aspects of the Crown's duty to consult with Indigenous groups. The Government of Canada and Government of Nunavut are actively engaged throughout the Commission's process, listening to Indigenous concerns and issues and noting any information on how they may be resolved. We therefore encourage Indigenous Governments and Organizations to review the Draft Plan and assess whether it might affect their rights and interests, including asserted or established Aboriginal or Treaty rights recognized and affirmed under section 35 of the *Constitution Act*, 1982.

The Government of Canada and Government of Nunavut invite Indigenous Governments and Organizations with asserted or established Aboriginal or Treaty rights to identify in submissions to the Commission any potential adverse impact the Draft Plan may have on their section 35 rights. This will help ensure the Commission has all the information it needs to understand how the Draft Plan might affect their rights and interests so it may evaluate and revise the Draft Plan, as may be necessary.

How the Crown will consult once the Plan is submitted to the approving parties

Once the Draft Plan is submitted to the approving parties for a decision, the Governments of Canada and Nunavut will assess the adequacy of consultation and the need to conduct additional Crown consultations, according to the following proposed plan:

- The Government of Canada and Government of Nunavut will consider any comments submitted to the Commission during the public review period (including the written record, and any written or oral evidence presented at the public hearings), as well as any revisions to the Draft Plan that the Commission has made to address the issues raised by Indigenous Governments or Organizations concerning potential adverse impacts the Plan may have on asserted or established Aboriginal or Treaty rights.
- After the Draft Plan is submitted to the parties by the Commission and prior to considering whether to accept or reject the Draft Plan, the Government of Canada and Government of Nunavut plan to jointly consult with Indigenous Governments or Organizations on any matters that have been identified during the Commission's review process as issues resulting from the Draft Plan that may have the potential to adversely impact asserted or established Aboriginal or Treaty rights. Designated representatives of Indigenous Governments and Organizations whose rights may be adversely impacted by the Draft Plan will be contacted to discuss how and when the consultation process might continue.
- Any issues related to adverse impacts to asserted or established Aboriginal or Treaty rights that are submitted to the Commission during the public review process, or

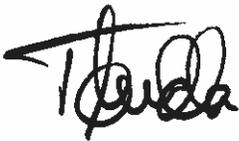
received by the Government of Canada or the Government of Nunavut after the Draft Plan is submitted to the approving parties for a decision, will be given full and thorough consideration prior to any decision being made by the Government of Canada and Government of Nunavut whether to accept or reject the Draft Plan. This includes any information that will help the Government of Canada and Government of Nunavut to understand those impacts, as well as information on how to avoid, eliminate, or mitigate any potential adverse impacts to asserted or established Aboriginal or Treaty rights.

We therefore invite you to review the Draft Plan and submit your comments to the Commission at submissions@nunavut.ca no later than January 10, 2023. Should you wish to contact the Commission directly, please contact Solomon Amuno at samuno@nunavut.ca.

Should you wish to contact the Government of Canada directly, you may contact Spencer Dewar, Director, Resource Management, by telephone at (867) 975-4657 or by email at spencer.dewar@rcaanc-cimac.gc.ca. Should you wish to contact the Government of Nunavut directly, you may contact Daniel Haney, A/Manager, Land Use and Environmental Assessment, by telephone at (867) 975-7720 or by email at ghaney@gov.nu.ca.

Thank you for your attention to this matter.

Sincerely,



Terry Audla
Regional Director General,
Nunavut Regional Office,
Crown-Indigenous Relations and Northern
Affairs Canada



Henry Coman
Assistant Deputy Minister
Department of Environment,
Government of Nunavut

CC:

Nunavut Planning Commission, Chairperson Andrew Nakashuk
Nunavut Tunngavik Incorporated, President Aluki Kotierk
Manitoba Keewatinowi Okimakanak, Grand Chief Garrison Settee

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