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October 12, 2022

Kugluktuk
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Bathurst Inlet
Kingaok
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Bay Chimo
Umingmaktok
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Cambridge Bay
Ikaluktutiak
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Gjoa Haven
Okhoktok
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Taloyoak
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Kugaaruk
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Mr. Andrew Nakashuk
Chairperson, Nunavut Planning Commission
PO Box 1797
Iqaluit, NU X0A0H0

RE: Kitikmeot Inuit Association Concerns about Procedural Unfairness during the Nunavut Planning Commission's Public Hearings in Cambridge Bay (Sept. 12-15, 2022)

Dear Mr. Nakashuk,

As the Vice President of the Kitikmeot Inuit Association (KitIA), I must express my sincere disappointment with some aspects of the Nunavut Planning Commission's (NPC) Public Hearing in Cambridge Bay. Specifically, the NPC did not follow its own agenda, and it permitted questions of KitIA which went beyond the scope of the draft Nunavut Land Use Plan (NLUP) and were irrelevant. These actions have prejudiced the KitIA, and possibly other participants registered in the Cambridge Bay hearing. As a result, I want to bring the details of KitIA concerns to your attention.

The NPC Agenda was not followed:

Part C. of the NPC's Agenda for Thursday September 15, 2022 was:

Final closing statements by all parties (3 minutes each participant, except for Canada, Nunavut, NTL who each have 15 minutes).

The KitIA notes that is seeking clarity with respect to the NPC agenda item listed above. Specifically, can the NPC provide more information on the definition of parties and participants? Likewise, can the NPC clarify who were entitled to closing statements?

The KitIA was really confused to see that multiple “participants” who were actually representing one “party” were individually given an opportunity to make a closing statement, some of whom were allowed more than the 3-minute time allotment. This was confusing, and I suspect other parties would appreciate some clarification of the reasons why the Commission allowed this as well.

Additionally, as you are certainly aware, the KitIA was a registered participant with standing during the Cambridge Bay Public Hearings. The KitIA was, however, denied its right to a closing statement, as were several other registered participants.

This oversight was material. KitIA had important messages and conclusions for NPC to hear and wanted to respond to some of the irrelevant and erroneous comments the Commission heard about KitIA during the hearing. NPC refused KitIA this opportunity despite KitIA’s best efforts to rectify the NPC’s error.

First, the KitIA had NTI Legal Counsel approach NPC Counsel regarding the KitIA’s standing and our right to a closing statement. Second, the KitIA raised its concerns directly to your attention on the record, prior to the closing, and yet we were denied outright.

The NPC Executive Director later indicated to our staff and consultants that the denial was the result of an oversight. The explanation is hardly believable, but oversight or not, the KitIA was denied the opportunity to respond to criticism of its position on the Draft Plan and the Commission’s procedure for the hearing was not followed. I feel that the denial of a closing statement was quite damaging and disrespectful to the KitIA.

Below I provide some additional detail to illustrate KitIA’s concerns with this hearing and NPC procedure.

Questions beyond the scope for the draft NLUP:

Our staff and consultants were subjected to many questions regarding the Boothia Peninsula Community Area of Interest (CAI). They responded to all the questions with technical and procedural clarifications. It was clear however, that some community members were upset at a perceived “lack of support” for the Boothia Peninsula CAI from the KitIA, and there was a propensity to repeat questions that were previously asked. Although the Boothia Peninsula CAI is part of the 2021 draft Nunavut Land Use Plan, the repeated questions about the KitIA’s lack of support were beyond the scope of the draft plan, and the NPC should have handled them as such.

In the KitIA’s perspective, taken together these matters (the NPC not following its own agenda and permitting questions beyond the scope of the draft) point to an unfair hearing.

We understand, through Nunavut Tunngavik Inc., that the NPC Executive Director invited any of the parties which were mistakenly denied their 3-minute closing statements in Cambridge Bay, to do so orally at any of the remaining NPC hearing venues. While this offer is appreciated, it is unrealistic for two reasons: (1) there is a lack of available accommodations at most remaining venues, and (2) the travel associated costs for providing a 3-minute closing statement at a venue other than Cambridge Bay are not justifiable to the KitlA, unless the NPC is willing to arrange for and cover such costs in recognition of its error.

In closing, Mr. Nakashuk, I attach the closing statement the KitlA had prepared for the Cambridge Bay Public Hearing. I ask that the KitlA's closing statement and this letter be included as submissions to the NPC's public record. I also ask that our closing statement be read into the record at your next hearing by a senior NPC staff person with an explanation of what happened in Cambridge Bay, and an indication that the KitlA closing is being read to rectify NPC's oversight in the Cambridge Bay hearing. Finally, if the NPC decides to arrange and cover costs for the KitlA to present our closing statements orally during any of the remaining Public Hearings, please inform us as soon as possible so we can consider the possibility.

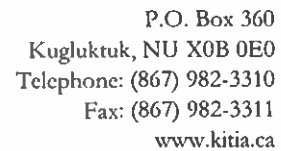
We look forward to an early response from NPC and thank you for your time and consideration.

Respectfully yours,



Atima Hadlari, KitlA Vice President

cc: Aluki Kotierk, President, Nunavut Tunngavik Incorporated
Spencer Dewar, Director, CIRNAC
David Kunuk, Deputy Minister, Gov't of Nunavut
Kono Tattuinee, President, Kivalliq Inuit Association
Olayuk Akasuk, President, Qikiqtani Inuit Association



Kitikmeot Inuit Closing Remarks

The Kitikmeot Inuit Association would like to thank the Nunavut Planning Commission for the opportunity to speak clearly to our concerns with this draft.

Taken together, our past submissions and our presentation during this Cambridge Bay Public Hearing speak fully to our concerns with this draft. The 2021 draft Nunavut Land Use Plan:

1. Interferes with Designated Inuit Organisation authorities, including:

b. The implementation of existing Inuit Impact Benefits Agreements,
and

2. Fails to consider the considerable need for transportation corridors in Nunavut, and

The Kitikmeot Inuit Association Board's resolution to oppose the current draft should not have been a surprise to the Commission, nor to other planning partners.

The Kitikmeot Inuit Association is very pleased with the inter-agency discussions that occurred during this Public Hearing. We look forward to working with the Government of Canada, the Government of Nunavut, and Nunavut Tunngavik Inc. to provide the Nunavut Planning Commission with informative clarifications to ensure that the final Nunavut Land Use Plan does, ultimately, devote special attention to Inuit Owned Land and recognizes the Nunavut Agreement land management authorities entrusted to the Designated Inuit Organizations.

Thank you again.