

Sous-ministre, Ministère de l'Environnement

November 27, 2013

Dear, Mr. Kabloona,

We have three primary concerns with the current proposed Timeline and Process. These issues were raised at the “Filling the Gaps” workshop by the Planning Partners, and continue to be a concern.

1. The version of the DNLUP that NPC is proposing to present at the Public Hearing in November of 2014 will be obsolete. The many important submissions made over the last two years, including those from the stakeholders and the GN, or the valuable information received by the NPC at the community consultations, are not part of the DNLUP.
2. The Planning Partners are prevented from fully utilizing the insights gained during the community consultations because the consultation reports will be released after comment deadlines.
3. The link between the DNLUP and its foundation document, the Options and Recommendations (O&R), remains legally ambiguous.

These issues are outlined in greater detail below, with a possible solution as to how some of these concerns may be alleviated.

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Issue 1: The version of the DNLUP proposed for presentation at the Public Hearing in November of 2014 will be obsolete.

Much information and insight has been gained since the release of the DNLUP in September of 2012. Still more will be gained following the completion of community consultations and formal submissions from the Planning Partners and stakeholders, including the GN. To hold a public hearing on a draft which has not been updated prevents all parties involved, most importantly, Nunavummiut, from understanding and commenting on how the new information has or has not been included in the DNLUP.

Section 8.2 of the Independent Third Party Review of the DNLUP outlines four sequential 'Next Steps', "...intended as practical ways of moving the planning process forward..." They are:

1. Engage with other Institutions of Public Government;
2. Public and stakeholder participation;
3. Structured process for clarifying specific expectations by the Partners; and
4. Preparation of a revised DNLUP by NPC.

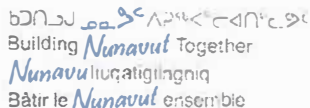
The GN requests that the NPC update the current version (step 4) of the DNLUP to include the information gathered in steps 1-3 above, before presenting the Plan at a public hearing. To remain consistent with the NPC's existing processes, it would be preferred for the NPC to revise the O&R document prior to updating the DNLUP.

This concern was raised at the “Filling the Gaps” workshop by the Planning Partners.

Issue 2: Community Consultation reports will not be available for review before comment deadlines.

As indicated in the Review's 'Next Steps' above, and the table found on pg. 115 of the Review (see Appendix I of this document), the consultation reports from Step 2 must be made available *prior* to the focussed sessions that are a part of clarifying expectations in Step 3. The GN must ensure that its own objectives support community expectations. At present, only the Qikiqtani region report has been made available.

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Tuglia Ministam, Avatiliqiyikkut

Deputy Minister, Department of Environment

Sous-ministre, Ministère de l'Environnement

It is important that the NPC permit the Partners to review all the consultation reports before making a formal submission to the NPC on either the DNLUP or the O&R. The NPC's current Timeline prevents this from happening.

The GN requests that the NPC change its comment deadlines for the DNLUP and O&R to 60 days after the release of the final consultation report. This would allow sufficient time for review of the reports by the Planning Partners and stakeholders.

This concern was also raised at the “Filling the Gaps” workshop by the Planning Partners so they may incorporate community perspectives into their submissions.

Proposed solution to issues 1 & 2:

Issues 1 and 2 can be easily resolved by modifying the Timeline. Please refer to Appendix 2 for a proposed timeline for your consideration, which reflects the 120 day extension.

The NPC faces a demanding workload over the next few years, and the amount of time provided to the NPC between revising the O&R document, updating the DNLUP, and presentation at the public hearing is insufficient. We understand that the NPC is under considerable pressure to finish the DNLUP, but completing the process by March 2015 should not come at the expense of a valid process.

Extending the NPC's submission for approval deadline by 120 days, from March 2015 to July 2015, would alleviate the pressure on the NPC to undertake concurrent projects, and resolves the aforementioned timing problems.

This extension would permit the Partners to review the consultation reports prior to submitting comments on the DNLUP and the O&R. Following these submissions, the NPC would be in a better position to revise the O&R as planned, and using its existing Process, update the DNLUP using the new O&R, stakeholder comments, and community input. An updated DNLUP could then be presented at a public hearing.

Issue 3: Clarity regarding the role of the Options and Recommendations document in the approved Plan is needed.

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It is the GN's belief that the O&R document, except to the extent that it is directly incorporated into the DNLUP, shares none of the legal identity and weight conferred upon the DNLUP by the NLCA. The DNLUP is the document that becomes binding, not supporting documents of the DNLUP.

In the 'Filling the Gaps' Workshop Report NPC staff refer to the DNLUP as an 'executive summary' of the O&R. This emphasizes the importance of the O&R in the development of the DNLUP. There are many aspects of the O&R which provide clarity and insight into how the Plan will shape land use in Nunavut, though it is not yet clear how these will become part of the Plan if the O&R remains a supporting document.

Proposed solution to issue 3:

The GN requests that the NPC ensure that the substantive content intended for inclusion in the revised O&R instead be included in the updated DNLUP. As an alternative, the GN requests that the NPC clarify how, and if, it intends to include the O&R or elements thereof into the DNLUP.

It is the GN's hope that the NPC will take steps to address the issues that we have raised in this letter. We encourage a collaborative relationship between our organizations, and welcome further discussion with the NPC and the Planning Partners on these matters.

Sincerely,

Steve Pinksen,
Acting Deputy Minister

C Cathy Towtongie, President , NTI
Ian D Gray, Regional Director General Nunavut, AANDC
Sharon Ehloak, Executive Director, NPC

APPENDIX I: 3rd Party Review Sequential Next Steps

<i>Recommended Steps and Tasks</i>	<i>Description and Sequence</i>	<i>Notes on sequence</i>
Step One Tasks	Engagement with other IPGs: <i>facilitated dialogue to assemble information and more carefully consider role of LUP in integrated regulatory</i>	
1.1	engage NIRB, NWB (and possibly NWMB) in a structured and focussed forum to consider the role of the NLUP in an integrated regulatory system	
1.2	assemble and organize concerns previously identified by public at regulatory hearings	
Step Two Tasks	Public and Stakeholder Participation: <i>engage public and stakeholders in the development of the NLUP by providing opportunities for meaningful input on values, issues, priorities and objectives (and also structure of the plan and use of designations/recommendations system)</i>	
2.1	public registry set up and operational that organizes and consolidates record of all previous public participation	must be completed prior to 2.6
2.2	design explicit and transparent procedures for documenting feedback	
2.3	develop comprehensive participation strategy	
2.4	prepare supporting materials	
2.5	organize community tours	
2.6	communicate strategy and schedule to Parties and Public	
2.7	conduct community tours	
2.8	add documentation of public feedback to public registry	must be completed prior to 3.4
Step Three Tasks	Structured Process for Clarifying Specific Expectations: <i>a rigorous process of identifying and aligning key substantive and procedural expectations to support development of the first generation Nunavut-wide land use plan</i>	
3.1	Develop RFP for consulting services	should commence while Step Two is underway
3.2	Solicit proposals and award contract	
3.3	Identify participants and background materials	should be done with selected consultant
3.4	Conduct focussed sessions	should not commence until documentation of public feedback from Step Two is available
3.5	Document and share results	
3.6	Consider results with NPC and determine if further clarification of expectations is needed	
Step Four Tasks	Prepare Revised Draft Nunavut Land Use Plan: <i>produce a well substantiated Draft Plan on the basis of progress made in Steps 1 to 3</i>	
4.1	Determine how significant the re-orientation of the previous draft needs to be (ie. scope, approach used to direct and guide land use, and structure of the document) based on results of Steps One to Three	
4.2	Additional data gathering or engagement as needed to analyze and substantiate options and decisions	this may be minimal or extensive depending on outcome of Task 4.1
4.3	Compile background supporting document and make available for review	compilation may begin as early as Step One
4.4	Prepare Draft Plan for submission for approval including formal public hearings	

APPENDIX 2

Proposed Timeline for the Draft Nunavut Land Use Plan

