



GHOTLENENE K'ODTINEH DENE

NORTH OF 60
DENE NÉNÉ

LAND CLAIM NEGOTIATORS



Tel 204-684-2266
Fax 204-684-2450

Tel 204-337-2571
Fax 204-337-2714

October 9, 2014

Nunavut Planning Commission
Acting Chairperson Percy Kabloona,
P.O. Box 2101
Cambridge Bay, Nunavut
X0B 0C0

BY FAX: 867 983 4626

Dear Mr. Kabloona;

Northlands and Sayisi Dene First Nations have been engaged in discussions with NPC representatives regarding the NLUP since April 2009. Recently (April 2014), NPC staff met with Northlands and Sayisi Dene First Nations leadership and community members in Lac Brochet and Tadoule Lake. On June 19 2014, an e-mail was received from Adrian Boyd (attached) informing us that the Draft 2014 Plan would be proposing a Protected Area land use designation to those lands subject to Order In Council #PC 2013-625 May 30, 2013. The 2014 draft plan (Table 1 pg. 68), denotes the lands subject to Order In Council #PC 2013-625 May 30, 2013 as Area 97 Denesuline Land Withdrawals and designates them as a Protected Area where mineral exploration and production, oil and gas exploration and production, quarries, hydro development, all-weather roads and related research are prohibited.

As indicated in the e-mail, the intention of NPC decision in applying the Protected Area designation to these lands is to maintain the protections provided by the withdrawal order, should the order lapse. NPC assumed that such a designation would be in the best interests of the Denesuline. This assumption and the subsequent Protected Area designation decision was made without any discussion or consultation with Denesuline representatives. At no time during any discussion with NPC, did Denesuline representatives even remotely suggest that a Protected Area designation for the withdrawal area was a desired outcome of the NLUP process. Further, at no time did NPC staff ever suggest to Denesuline representatives that a Protected Area designation was under consideration for this area. The designation is not in the best interests of the Denesuline, as it unnecessarily complicates completion of the Samuel/Thorassie land claim negotiations.

The Samuel/Thorassie land claim negotiations have been ongoing since 1999 and are at the stage where Northlands and Sayisi Dene First Nation will soon be ratifying a final land claim agreement. The land component of the agreement is largely contained within the withdrawal area (Area 97). These lands were selected for social, economic



SAYISI DENE NATION
General Delivery
Tadoule Lake, MB R0B 2C0
Tel. 204-684-2022 Fax 204-684-2069



NORTHLANDS DENE FIRST NATION
General Delivery
Lac Brochet, MB R0B 2E0
Tel 204-337-2270 Fax 204-337-2509

and cultural purposes. They are intended to make a significant contribution to the future self-sufficiency of the Denesuline. The Protected Area Designation is contrary to these purposes.

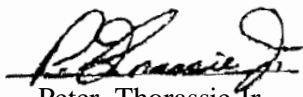
If the designation is not changed to Mixed Use before we begin the ratification process, we will have to tell our members during the ratification process that the lands they have identified for ownership could not be used for the full range of purposes for which they were selected, until either the Draft Plan or approved plan are changed. We have been told by NPC staff that the Public Hearings are not scheduled until April 2015 or November 2015. Our understanding of the process is that there is no specific time frame in the legislation regarding changes to the Draft Plan after the Public Hearings or the other steps in the process leading to plan approval. Because of the uncertainty regarding the timing of Draft Plan review and approval, we are not confident that the designation can be changed before we begin our ratification process. Also, there is no certainty that the designation will be changed as a result of Denesuline submissions during any part of the process for plan approval or amendment as described in Sections 49-65 of the Nunavut Planning and Project Assessment Act. If the designation is not changed before we begin the ratification process we will be required to rely upon the legislative processes. Our ratification process will be unnecessarily complicated because of the uncertainty created by the Protected Area designation.

We are asking that you immediately change the designation to Mixed Use, before the Public Hearing process and other steps in Draft Plan review and approval begin. The designation was made in error based on the NPC misunderstanding that it would complement the land withdrawal protections and therefore facilitate resolution of our land claim negotiations. The Protected Area Designation complicates rather than facilitates our land claim negotiations. The NLUP process should not complicate and add uncertainty to the resolution of land claims in Nunavut.

Please provide your response directly to our legal counsel;

Arne Peltz
Orle Borgen Davidson
280 Stradbroke Ave
Wpg., Mb., R3L 0J6
ap@peltz.ca
204 799 5206

Sincerely,



Peter Thorassie Jr.
Chief Negotiator,
Sayisi Dene First Nation



Benji Denechezhe
Chief Negotiator
Northlands Denesuline First Nation

c.c. NPC Executive Director Sharon Ehloak,
NPC Policy Director Adrian Boyd.
Andrew Walker, Chief Federal Negotiator, AANDC

From: Adrian Boyd [<mailto:aboyn@nunavut.ca>]
Sent: June 19, 2014 2:04 PM
To: Tina Giroux; Christopher Werner
Cc: Jonathan Savoy; Sharon Ehaloak; Brian Aglukark
Subject: Community Reports

Hi Tina and Chris,

We wrapped up our Nunavut Land Use Plan tour May 9 and went straight into plan revisions.

We have not forgotten about you. Denesuline Community reports have not been completed. As agreed we will provide you with **draft reports for you to review prior to them being finalized.** I want to assure you that the NPC has taken the views of the Denesuline into account during the revisions to the Plan. An updated version will be posted on our website the end of this week.

Please keep in mind this is a revised draft and further feedback may be provided by means of a submission at the Commission's Public Hearing.

Note: The Plan proposes a Protected Area land use designation be applied to those lands already withdrawn as part of the overlap discussions in the Kivalliq Region. A bit redundant as long as the land withdrawal is in place. However if the land withdrawal were to lapse the plan would still apply. A plan amendment would be required to change the designation after approval. The Commission will be looking for your feedback at the Public Hearing.

Again, thank you for your patience and apologizes for not getting the draft reports completed to date. I hope to have them out to you and finalized by September.

Regards,

Adrian Boyd, RPP, MCIP
Director, Policy
Nunavut Planning Commission
Phone: 1-867-873-2613
www.nunavut.ca