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SENT VIA EMAIL

February 12, 2015

Mr. Hunter Tootoo
Chairperson
Nunavut Planning Commission
P.O. Box 2101
Cambridge Bay, Nunavut X0B 0C0

Dear Mr. Tootoo:

re: Preliminary views on June 2014 Draft Nunavut Land Use Plan

I am writing on behalf of Nunavut Tunngavik Incorporated (NTI) and the Regional Inuit Associations (RIAs), to provide our preliminary views on certain issues relating to the June 20, 2014 Draft Nunavut Land Use Plan (2014 DNLUP). Although the status of the 2014 DNLUP is uncertain in light of current circumstances, we trust that these comments will form part of the public record going forward. NTI and the RIAs, of course, reserve the right to comment separately or together in the future on the matters below and any other matters.

We recognize and appreciate the efforts the NPC has put into the development of the 2014 DNLUP to date. The NPC has the large task of developing a Nunavut-wide plan that respects the principles, objectives and purposes of Article 11 and is based on a solid foundation of active and informed participation of Inuit and other residents, and also advances the *Nunavut Agreement's* central objectives.

Land Use Planning Context

We note that in the NPC's estimation, residents have indicated that priority issues include food security, safe drinking water, protection of wildlife and sustainable economic development. NTI agrees that these are important issues that should be addressed in the 2014 DNLUP in a way that respects the values, preferences, and expectations of the Inuit. The DNLUP must also be well-grounded in a more robust and complete identification and analysis of the factors that a plan must take into account under sections 11.2.3 and 11.3.1 of the *Nunavut Agreement*. This includes, among others, demographic considerations, economic opportunities and needs, transportation, communications, energy and infrastructural requirements as well as environmental and cultural factors and priorities. Specifically, mindful of the particular uncertainties that attach to non-renewable resource development, how could various approaches to land use planning contribute to scenarios that create new jobs and public sector income streams, while encouraging self-reliance and the cultural and social well-being of Inuit? What scenarios might offer some mitigation of the increasingly large question marks that hang over environmental matters, particularly climate change?

Inuit Owned Lands

As a result of a preliminary analysis of the most restrictive protected area designations in the 2014 DNLUP, NTI and the RIAs have identified at least 420 instances in which proposed protected area and special management area designations overlap with Inuit Owned Lands (IOLs). We expect that a thorough analysis will reveal many more. This is a dramatic increase from the previous DNLUP in the number of IOL parcels impacted by restrictive land use designations, without consultation with NTI or the RIAs. There has been no significant communications with NTI and the RIAs on the effect of these designations on IOLs. Section 11.8.2 of the *Nunavut Agreement* requires that land use plans “take into account Inuit goals and objectives for Inuit Owned Lands.” This section must be understood as requiring an in-depth understanding of relevant Inuit goals and objectives as obtained from the Inuit organizations having responsibility for the management of IOLs on behalf of Inuit. Meeting such a requirement goes beyond giving notice or minimal communication; rather, it requires consultation conducted on the basis of shared information, careful consideration of views and positions expressed, the relaying of reasons for such views and positions throughout, and a willingness to seek accommodation. Consent is always a highly preferred result.

The DNLUP 2014 also contains significant gaps in the designation of high mineral potential areas on subsurface IOLs. As you may be aware, the vast majority of subsurface IOLs were selected because of their mineral potential. The failure to adequately take this fact into consideration in the DNLUP 2014 is a logical result of a lack of consultation with NTI and the RIAs regarding IOL designations in the DNLUP.

In short, Inuit goals and objectives for IOLs, and land use designations that include IOLs, must be developed by the NPC with the full participation of NTI and the RIAs. This has not yet occurred. NTI and the RIAs would like to organize an initial meeting with the NPC as soon as possible to discuss these designations.

Participation of Inuit in the Communities

The land use planning process includes two necessary stages: (1) the identification of important issues and land values; and (2) priority setting and decision-making on land uses. As NTI has commented in the past, Inuit in the communities, as well as at the regional and Nunavut-wide levels, must be active participants in both stages. The Independent Review concurred in this assessment, and so recommended at least two phases of community engagement.

Sub-section 11.2.1(d) of the *Nunavut Agreement* details *how* public participation must be constructed, including appropriate and realistic scheduling, ready access to all relevant materials, and recruitment and training of local residents to participate in comprehensive planning. The Independent Review recommended different types of meetings, as well as detailed minutes and summary reports. Also, the Qikiqtani Inuit Association has developed a comprehensive Consultation & Notification Guide which provides guidelines that inform the method and extent that Inuit should be consulted regarding conformity determinations for proposed projects in the region.

Measured against the above standards, the NPC’s public record falls far short of adequate participation at the community level in the development of the plan. For example, the NPC’s visits to communities were quite limited in duration, and the communities were presented with a

substantially advanced DNLUP (the reverse is required – that the plan be based on the values and priorities of the residents, as ascertained from them). In addition, the QIA's Consultation & Notification Guide hasn't been acknowledged nor adopted by the NPC in the revised plan.

The NPC's documentation of community input is also sparse. In particular, there is a lack of any records of priority setting and decision-making on land uses at the community level. As just one example, Baker Lake is the Nunavut community that is most subject to the pressures of mining development and the effects on caribou populations, which in turn have impacts on food security. Yet, the NPC conducted only an open house presentation on the DNLUP, a meeting with hamlet council, and one mapping session in Baker Lake in November 2013. The NPC returned to Baker Lake on January 16, 2014, presented a draft summary of the November meeting to hamlet council, and entertained questions and comments. The NPC's report of this meeting contains no substantive input from council or the community.

Generally, it appears that the NPC collected a significant amount of information from Inuit in community mapping sessions. It is also apparent that the 2014 DNLUP has been revised significantly in both content and format from the 2011/2012 Draft Plan that was presented to the communities. What is not evident is whether and how information from the communities is reflected in the NPC's proposed designations. There is little indication that community priority and value data from the community tours has been meaningfully integrated into the 2014 DNLUP in a way that affects planning decisions. In particular, designation/zone boundaries in the 2014 DNLUP do not appear to have been in any way modified to reflect the priorities and values of the communities.

To the contrary, the NPC's Options and Recommendations document, which provides the rationale for proposed land use designations, suggests that proposed protected area and special management designations are based solely on government submissions. The goals and priorities of Inuit in the communities are not identified, and the designations do not appear to have been balanced or integrated with these goals and priorities. Most notably, Environment Canada's key bird habitats appear to have been accepted into the 2014 DNLUP without further analysis, resulting in extensive land areas being protected without apparent identification or integration of community and Inuit goals and priorities for those areas.

In our view, there must be a demonstrated connection between the goals and priorities of Inuit in the communities, and the land use designations. And, there has as yet been no opportunity for community members to review the current proposed designations to assess directly how well the designations reflect their values and priorities.

Finally, it is important to note that the participation of NTI and the RIAs in the planning process does not supplant the role of Inuit in the communities.

Caribou Protection

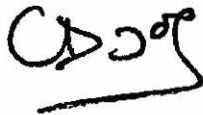
The importance of vital healthy caribou populations to Inuit is beyond question. The maintenance of such populations will require protection of critical habitat such as calving areas for some major mainland migratory caribou populations to persist (see ss. 5.1.5(c) and ss. 5.1.2(f) of the *Nunavut Agreement*). Other protection measures and monitoring may also be required. While NPC has received some caribou information that helps delineate critical habitat, from the Government of Nunavut for example, there are additional sources of information, especially from communities, that should also be considered in the land use plan.

Sub-section 5.2.34(b) of the *Nunavut Agreement* gives the Nunavut Wildlife Management Board (NWMB) authority, at its discretion, to identify wildlife management zones and areas of high biological productivity and provide recommendations to the NPC with respect to planning in those areas. We recommend that the NWMB engage in a process to implement Sub-section 5.2.34(b) to address areas of concern regarding caribou in Nunavut. For this reason, I am copying the NWMB's Executive Director.

NTI has a number of other issues, but I am using this letter to highlight some noteworthy concerns. Please contact James T. Arreak, NTI CEO (jtarreak@tunnngavik.com) to arrange the IOL consultation meeting requested above.

In closing, NTI looks forward to working with you further to develop an effective Nunavut Land Use Plan that reflects, as well as it can, the goals and objectives of Inuit and other Nunavummiut.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Cathy Towtongie', with a horizontal line underneath.

Cathy Towtongie
President, NTI

cc: Honourable Johnny Mike, Minister of Environment, Government of Nunavut
Honourable Bernard Valcourt, Minister of AANDC, Government of Canada
Mr. PJ Akeagok, President, Qikiqtani Inuit Association
Mr. David Ningeongan, President, Kivalliq Inuit Association
Mr. Charlie Evalik, A/President, Kitikmeot Inuit Association
Mr. Jason Akeagok, Executive Director, Nunavut Wildlife Management Board