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Tuglia Ministam, Avatiliqiyikkut

Deputy Minister, Department of Environment

Sous-ministre, Ministère de l'Environnement

58B

Sharon Ehaloak  
Executive Director  
Nunavut Planning Commission

December 02, 2010

Dear Ms. Ehaloak;

Thank you for your November 15, 2010 letter regarding the Government of Nunavut's response to the Draft Nunavut Land Use Plan (NLUP). I would like to address several of your concerns including: 1) DOE's role in land use planning and the GN internal review process; 2) the Broad Policies, Objectives & Goals of Article 11.4.1(a) of the Nunavut Land Claims Agreement; and 3) the GN's response to requests for data and expert advice.

The NPC has raised concerns about the manner in which the land use planning file is managed within the Government of Nunavut, specifically, regarding the way the Department of Environment engages and obtains input from other departments. I can advise you that the GN has developed and practices very effective, collaborative mechanisms for gathering information and developing positions and responses that represent all departments and agencies of the GN. Further, I can reaffirm that the Department of Environment leads the land use planning file for the GN, and that the NLCA does ultimately require the NPC to seek the Minister of Environment's acceptance of land use plans. As such, I request that the NPC continue the past practice of corresponding with the Government of Nunavut through the Department of Environment.

Our letter of October 29, 2010 represents the consolidated response of the Government of Nunavut as a whole and not just the Department of Environment.

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- 2 -

This response was reviewed and approved by the Deputy Ministers of the Departments of Environment, Justice, Community & Government Services, Economic Development & Transportation, Executive & Intergovernmental Affairs, Health and Social Services, and Culture, Language, Elders and Youth, who are active members of the Sustainable Development Committee where the Department of Environment is a member. Consensus was reached among all departments that as standalone documents, the Draft NLUP and Draft Implementation Strategy do not meet the requirements of Article 11 of the Nunavut Land Claims Agreement, or the policy directives of the agreed upon 11.4.1(a) document.

As you know, the Broad Planning Policies, Objectives and Goals of 11.4.1(a) were developed cooperatively by the NPC, GN, Government of Canada and NTI. When the GN made the decision in 2007 to re-engage in land use planning, it was based on the understanding that all future land use plans and planning processes would be consistent with the 11.4.1(a) document. In review of the Draft NLUP, the GN used this framework for evaluation, and will continue to do so for any future iterations of the Plan. I therefore encourage the NPC to ensure future drafts of the NLUP meet these criteria.

In the matter of NPC's requests for GN data and expert advice, the NPC has suggested that the GN has not responded to its requests for data or expert advice. In our review of the Draft NLUP, we indicated our concerns with the sharing and management of information provided to the NPC to date. We offered to again provide information to the NPC provided a suitable data and information sharing agreement is reached. We then followed up with a data sharing agreement for the results of a complete Nunavut Wildlife Sensitivity Analysis. This information sharing agreement details the terms and conditions under which the NPC may utilize the data provided by the GN. Upon receipt of the signed agreement we will provide the NPC with the required information. We recommend that the NPC continue to work with DOE as the lead on land use planning in the GN, to articulate their data needs, and to identify what additional information is required.

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- 3 -

Finally, the NPC has indicated that it intends to take the Draft NLUP for community consultations beginning in March of 2011. As outlined in our response letter, the GN recommends that the NPC revise the Draft NLUP based on the current feedback from all stakeholders, including those recently received from GN, the GoC, the NWB and NIRB. Upon development of a revised Draft NLUP, the GN recommends that NPC provide stakeholders with the revised draft for review prior to initiating public consultations.

We welcome the opportunity to receive an update on the plan development process in the new year. Please let me know when the NPC is available to make the necessary arrangements.

Sincerely,

Steve Pinksen  
Acting Deputy Minister

cc. Ron Roach, Chairperson, Nunavut Planning Commission  
Paul Quassa, Vice Chairperson, Nunavut Planning Commission  
Robin Aitkin, Regional Director General, INAC  
Joe Kunuk, Chief Executive Officer, NTI