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Your file - Votre référence

Our file - Notre référence
8505-1-2

June 16, 2011

Ms. Sharon Ehaloak
Executive Director
Nunavut Planning Commission
Cambridge Bay, NU, X0B 0C0

Via electronic mail to: sehaloak@nunavut.ca

Re: Draft Nunavut land use plan

Dear Ms. Ehaloak,

I would like to thank you once again for holding the June 1-2, 2011 meeting in Iqaluit on the Nunavut Planning Commission's latest working draft Nunavut land use plan.

It is always mutually profitable to engage on the progress and development of the draft NLUP. However, I stated in my May 12th letter to you, we believe that the workshop would have been more productive if the Commission had provided the participants in advance with more background information on the topics you proposed to discuss. This would have permitted participants to review the materials and prepare for the in-person discussion. The ability to prepare in advance is particularly important in light of Canada's commitment to provide a single and consistent "voice of Canada" wherever possible. In order to achieve this, federal participants must work internally with their colleagues in advance of meetings in order to develop useful feedback to the Commission. In the absence of pre-circulated detailed agendas and background materials, this cannot happen.

You and your staff briefly forecasted your Commission's planned next steps at the meeting. It would be useful if your staff could prepare a written explanation of those next steps, including detailed information on the proposed tour of communities and a description of the structure of the engagement sessions that you currently plan to begin in early 2012.

In the interim, we will be readying ourselves to receive and respond to a significantly revised working draft land use plan. You have told us to expect that the forthcoming working draft will be accompanied by explanations of whether and how the Commission has taken into account and responded to the comments you have received on previous drafts. Where the next draft is not responsive to comments, you stated that the materials would explain why not.



We understand you expect to release these materials to us in mid-July and that you hope to receive feedback by the beginning of September. At this point, we simply observe that this timeline is likely to present a significant challenge.

In addition to our own submissions, we are aware of important comments shared with you by the Government of Nunavut, the Nunavut Impact Review Board, the Nunavut Water Board, and the Prospectors and Developers Association of Canada. You may have received other important comments of which we are unaware. We trust that your materials will cross-reference, as appropriate, the issues raised in these comments, to the *Nunavut Land Claim Agreement*, and to the former Bill C-25, the *Nunavut Planning and Project Assessment Act*, which died on the Order Paper in the previous Parliament.

We would also like to re-iterate Canada's objective to assist the Commission in the development of a successful land use plan. As we have stated on a number of occasions, including in our February 28, 2011 letter, it is a matter of critical and immediate need that the Commission establish a well-defined process description for external communication to all stakeholders for the development and public engagement on the draft plan. This process description should include the Commission's strategy through the early public engagement, hearing and revision stages, up to the point of submission for acceptance.

Public engagement and consultation require the expenditure of considerable resources – both on the part of the group seeking input, and on the part of the groups being consulted. It is for that reason that Canada reiterates its September 16, 2010 recommendation to consult with the Nunavut Impact Review Board and the Nunavut Water Board, as well as both governments and Nunavut Tunngavik Inc. in designing a consultation and engagement initiative commensurate with and responsive to the Commission's *Nunavut Land Claims Agreement* mandate.

It is of critical importance that all those being consulted have (in the words of the *Nunavut Land Claims Agreement*) "ready access to all relevant materials". This means that participants must have the key background information that will affect their interests and influence their views. This will require that the materials being presented for consultation, including the draft plan, are a solid starting point for participants to understand the relevant issues, and the opportunities within the *Nunavut Land Claims Agreement*.

Canada expects that the Commission will need to produce background materials, plain language summaries of particular planning-related aspects of the regulatory regime, and explanations of the planning issues the plan seeks to address (or not) including the underlying rationales, etc. Canada recommends that the Commission collaborate in producing any such documents, and further that you ensure that all such documents and presentations adequately reflect the expectations of the Government of Nunavut, the Government of Canada and the Inuit as represented by Nunavut Tunngavik Inc.

As you have indicated to us that the Commission intends to use the forthcoming working draft land use plan in its key public engagement initiative, the question of whether the forthcoming materials provide, in Canada's view, that solid starting point for public



engagement will be a primary consideration when we review and respond to the forthcoming materials.

In our February 28, 2011 letter, Canada stated the objective that the Commission's public engagement must reflect and conform to the principles in the *Nunavut Land Claims Agreement* section 11.2.1, and in particular (d) "active and informed participation and support of Inuit and other residents affected", and (g) "active participation by both Government and Inuit". While that letter did not specifically mention (f) "systematic and integrated", it is clear from our recent meeting that considerable additional engagement with your fellow Institutions of Public Government and with Government of Nunavut and community planning officials will be required.

Furthermore, it is because of the need for "ready access to all relevant materials" that Canada has repeatedly raised the need for the Commission to establish an accessible public registry of all the information being collected and taken into account by the Commission. There was some discussion of this at the June 1-2 meeting, but Canada remains unclear as to what the Commission is planning in this regard, and on what time horizon.

In closing, Canada is very pleased to continue engaging with the Commission on this path towards the successful development, approval and implementation of a Nunavut Land Use Plan.

Sincerely,

Robin Aitken
Regional Director General
Indian and Northern Affairs Canada

c.c David Akeeagok, Government of Nunavut
Brad Hickes, Nunavut Tunngavik Incorporated
Nancy Anilniliak, Parks Canada Agency
Mike Norton, Environment Canada
David Harper, Natural Resources Canada
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