



October 25, 2011

Daniel Shewchuk  
Minister Department of Environment  
Government of Nunavut  
Box 2410, Iqaluit, NU X0A 0H0

*Delivered Via Electronic Mail*

Dear Mr. Shewchuk,

Re: Draft Nunavut Land Use Plan

Thank you for your correspondence of October 13, 2011 where you raise concerns regarding the land use planning process being undertaken by the Nunavut Planning Commission.

In response to your comments, I can inform you that during the recent Commission workshop and meeting held October 7 – 12, 2011 in Iqaluit, the Commission reviewed the working draft Nunavut Land Use Plan which was provided to the Government of Nunavut, Government of Canada and Nunavut Tunngavik Incorporated (the parties) on August 2, 2011. The Commission also reviewed the working draft Options and Recommendations Document also provided to the parties August 2nd, aspects of the engagement records available on our website, and a series of proposed revisions to the working draft plan.

As a point of clarity, the purpose of the meeting was to review the working draft Nunavut Land Use Plan, supporting documents and proposed revisions which the Government of Nunavut, Government of Canada and Nunavut Tunngavik Incorporated agreed to provide during a June 2, 2011 meeting in Iqaluit. We were also anticipating revisions from staff. Although the parties agreed in June to provide revisions to what was then a forthcoming working draft Nunavut Land Use Plan, only the Government of Canada and our staff provided submissions for consideration during the Commission meeting. The Commission has instructed its staff to complete a number of the proposed revisions and to proceed with preparation of the Draft Nunavut Land Use Plan.

You indicate in your correspondence that the Government of Nunavut (the “GN”) is disappointed in the draft plan. The Commission regrets this, and acknowledges that there are aspects of it requiring improvement. However, that disappointment can’t be directed at the Commission. Our planning partners must share it. The Commission is sensitive to the concerns with the planning process you identify, but there has been a continued lack of cooperation and support from all departments of the GN since the outset of this project. Your own Department of Environment has not provided any data or information that could be used to support the Commission’s obligations established under the Nunavut Land Claims Agreement. And, as late as October 13, 2011, GN officials advised my staff that unless the Commission signed a Data Sharing Agreement the GN would not provide any data to the Commission. On earlier occasions our staff and legal counsel have explained to GN personnel that entering the agreement would diminish and impair the Commission’s discrete planning policy and land use planning functions established under the Nunavut Land Claims Agreement. Despite the Commission’s best efforts over the past year to build a win-win solution with the involvement of your staff and counsel, the GN Sustainable Development Advisory Committee has dismissed the proposed solution. All these factors have a direct impact on planning documents prepared by the Commission.

As you are aware, the Commission has been raising these and other concerns regarding GN participation in the land use planning process for quite some time. In fact the Commission felt compelled to write to Premier Aariak April 21, 2011 (letter enclosed) to express our concerns due to the inaction and lack of cooperation from GN officials in the land use planning process. To date neither you nor Premier Aariak have responded in any substantive way to the concerns raised.

In your correspondence, you also indicate your support for the Commission participating in a third party review of the planning process. You also suggest this review occur prior to engaging in public consultation. The Commission agrees that the Government of Nunavut may benefit from an independent third party review of the planning process. The Commission has sent correspondence to the Government of Canada essentially agreeing to this and requesting further clarification on some important facets of that third party review. As the Commission indicates in that correspondence, it is expected that any review of the planning process will include an assessment of the Government of Nunavut, Government of Canada, Nunavut Tunngavik Incorporated and the Regional Inuit Associations engagement in the planning process. Given the severity of the unanswered concerns raised to the Premier, a fair review cannot be completed without an assessment of the GN’s internal engagement activities as well.

The Commission feels that given the apparent reluctance of the GN to participate in the planning process for about 2 years, including the recent notification that the GN will not be providing any data to inform the decisions of the Commission, there is no reason not to proceed with the public release of the Draft Nunavut Land Use Plan. The Commission has

directed that its staff commence the consultation process mandated by Article 11.5.3 of the Nunavut Land Claims Agreement. This process will start in January of 2012.

I understand from staff of the Commission who participated in a September 22, 2011 teleconference between the parties that Mr. Robin Aitken, Regional Director General, Nunavut Regional Office advised that an independent review could be completed by Christmas of this year. Its completion prior to the public consultation process can thus address the concern of the GN that the plan not be made public until after the review is completed, while at the same time ensuring the Commission meets its obligations under the Nunavut Land Claims Agreement.

The Commission looks forward to a time when the GN recognizes and embraces the principles of Inuit Qaujimajatuqangit guiding our planning partner engagement in the land use planning process. We also remain hopeful that the third party review process will support future participation of the Government of Nunavut in the land use planning process.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Roach". The signature is fluid and cursive, with the first name "Ron" and last name "Roach" clearly distinguishable.

Ron Roach,  
Chairperson

Cc: Premier Eva Aariak, GN  
The Honourable John Duncan, Minister AANDC  
Ms. Cathy Towntongie, President NTI