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By email: Colleen.Prather@debeersgroup.com

Thank you for your comments on the Commission's Draft Rules for Public Proceedings (**Draft Rules**) received September 24, 2019. The Commissioners have considered your comments of the Draft Rules, as well as the comments of others received within the 60-day period for public comment, and as a result of those comments will be making revisions to the Draft Rules. Please be advised that pursuant to section 38(4) of the *Nunavut Planning and Project Assessment Act* (Canada) (**NuPPAA**), the Commission will not be publishing any further notices before enacting amended Rules for Public Proceedings.

Please note that the Commission anticipates some rules will be renumbered due to the comments received, and this response addresses the comments made based on the original numbering of the draft rules released for public comment on July 26, 2019.

- In response to the comment that rule 10 of the Draft Rules should allow documents to be submitted electronically until 11:59 pm, the Commission will not be making this requested amendment as documents submitted electronically are processed manually by Commission staff meaning documents can only be processed and posted to the Commission’s public registry while the office is open.
- In response to the comment that rule 15 provide examples or circumstances of Evidence that is not normally admissible may be admissible, the Commission will be amending the rule to give hearsay and opinion evidence as examples of Evidence that is not normally admissible.
- In response to the comment that Rule 17(1) should include the wording used in Rule 17(2) related to timelines for giving notice of Information Sessions, the Commission will amend the rules to require notice “a reasonable amount of time beforehand” as suggested.
- In response to the comment that Rule 17 on confidentiality should consider the proportion of confidential information in the document to support the argument, other participants noted there was a numbering error and that Rule 17 appeared twice in the Draft Rules and the Commission will be amending the rules to move the standalone rule on confidentiality into rule 12 dealing with disclosure on the public registry, and furthermore, the Commission will amend the rule to require a Participant claiming confidentiality to advise as to whether all or some of the material is confidential and the specific harm that would result if it were

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disclosed, and that the Commission may decline to rely on confidential information if doing so would prejudice others who cannot reply to the information, but will not provide a threshold for the amount of confidential information contained in a document to support the argument as proposed.

- In response to the comment that Rule 21 should refer to the clauses in Rule 17 if applicable, the Commission received other comments on this issue and will be amending the rules to remove Rule 21 to make clearer that Information Sessions may be used in any type of Proceeding.

On behalf of the Commission, I want to thank you again for your input. The Commission will publish the notices required by section 38(5) of the *NuPPAA* when it makes the Rules amended based on the comments received. If you also provided comments on the Commission's Draft Rules for Project Description, the Commission will be considering and responding to those comments separately in due course.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Nakashuk', written in a cursive style.

Andrew Nakashuk
Chairperson
Nunavut Planning Commission