



October 29, 2019

Steve Pinksen,
Assistant Deputy Minister
Department of Environment,
GOVERNMENT OF NUNAVUT
P.O. Box 1000, Stn. 1310,
Iqaluit, Nunavut, X0A 0H0]
By email: SPinksen@GOV.NU.CA

RE: Response to Comments on Nunavut Planning Commission Draft Rules for Public Proceedings released for comment July 26, 2019

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.

The Commission considered your comments and provides the following responses:

- In response to the comment that Draft Rules 16(3) and 26(3) be edited to provide that Public Reviews and Hearings for minor variance and plan amendment end 60 days after the beginning date, the Commission does not receive hearing-based funding and cannot afford to hold special meetings of Commissioners or public hearings without supplementary funding, and the Commission will not be amending the rules to impose timelines that it is foreseeable it will not be able to meet due to a lack of resources.
- In response to the comment that Draft Rules 25(1) and 30(1) not allow the Commission to extend or reopen the record on its own initiative when conducting a public review or hearing for a minor variance or plan amendment, the Commission will be amending the rules based on other comments received to give more certainty as to what factors will be considered before extending or re-opening the record.
- In response to the comment that Rule 28 be revised to encourage that all parties should endeavour to answer questions posed during an in-person hearing during the timeframe of that in-person hearing, the Commission does not have the ability to issue subpoenas or compel answers, and will not amend the rules to require comments be provided during Hearings.

- In response to the comment that the Commission exercise discretion regarding the payment of fees to provide physical copies under Rule 11, the Commission will be amending the rule to say that in its discretion the Commission may charge reasonable fees for the physical copies, rather than require the payment of fees.
- In response to the comment that the GN would like the NPC to clarify that draft Rule 27(1) is in reference to the documents of applicants and participants and not documents that the Commission has elected to provide, the Commission will amend the rule to say that it may provide physical copies of documents in its discretion. The Commission has the ability to display electronic copies of documents on the record during a Hearing meaning physical copies of documents on the record are generally unnecessary. As a practice, the Commission will continue to provide physical copies of Commission-generated documents such as land use plans at Hearings, but requiring the Commission to provide physical copies of all Commission-generated documents relating to Proceedings that may span a period of years as a rule would be cost-prohibitive.
- In response to the comment that the Commission give notice of 30 to 45 days prior to a Meeting of Technical & Traditional Knowledge Experts, the Commission will be amending the rules to provide a notice period of 21 days, rather than 30 to 45 days, so that such meetings can be held within a reasonable amount of time without significantly impacting the overall length of the Proceedings.

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