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Nunavunmi Parnaiyiit  
Nunavut Planning Commission  
Commission d'Aménagement du Nunavut

# A guide for engagement

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A guide for the engagement of Designated Inuit Organizations, Federal and Territorial Government agencies and departments, Institutes of Public Government and other organizations in the further development of the Draft Nunavut Land Use Plan

April 2013

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Schedule A      Timeline for the Submission of the DNLUP

# Executive Summary

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The Nunavut Planning Commission (NPC) has prepared and made public the Draft Nunavut Land Use Plan (DNLUP). Over the next year and a half, the NPC will consult widely on the DNLUP, visiting Communities to share and receive important land and resource information in the Nunavut Settlement Area (NSA). This process is being guided by the NPC's Community Engagement Strategy, which can be found at:

<http://www.nunavut.ca/files/2012-10-22%20Community%20Engagement%20Strategy.pdf> .

In addition to the ongoing work in the Communities, the NPC is committed to engaging with the Designated Inuit Organizations (DIOs), Federal and Territorial Government agencies and departments, Institutes of Public Government (IPGs) and other organisations, herein referred to as "the Parties", to inform the further development of the DNLUP. To help facilitate and maximise the participation of the Parties the NPC has developed this guide for engagement.

This document contemplates four phases of engagement with the Parties leading up to the submission of a revised DNLUP;

- Phase 1: The Consultation Phase (September 2012 – June 2014);
- Phase 2: Preparation of Representation (June 2014 – November 2014);
- Phase 3: Public Hearing (November 2014); and
- Phase 4: Submission of a Revised DNLUP (December 2014 – March 2015).

Details of each phase are outlined in Chapter 3 of this document. A timeline of the process is included as Schedule A.

This document is intended to provide structure for sharing and receiving information from and with the Parties. This document does not preclude the participation of any organisation or body in the development of the Nunavut wide land use plan. The NPC encourages everyone to participate in the further development of the DNLUP, be it during the NPC's Community visits or by contacting the NPC directly.

This document is consistent with the Nunavut Land Claims Agreement, the draft Nunavut Planning and Project Assessment Act and the Nunavut Planning Commission's Broad Planning Policies, Objectives and Goals. It takes into consideration the Independent Review Draft Nunavut Land Use Plan Final Report, June 15, 2012, prepared by Dillon Consulting Ltd.

# 1 Introduction

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## 1.1 Context

The Nunavut Land Claims Agreement (NLCA) provides the overarching policy direction for the development and review of land use plans in the Nunavut Settlement Area (NSA). It directs the Nunavut Planning Commission (NPC) to prepare a draft land use plan and solicit written and oral comments from all appropriate federal and territorial government agencies, DIOs, communities and the general public. Once consultation is completed, the NPC is required to conduct a public hearing and, in light of representations made, revise the draft plan, as appropriate. The revised draft plan, along with a written report from the public hearing, shall then be submitted to the appropriate federal and territorial Ministers.

In accordance with the NLCA, the NPC has prepared and made public the Draft Nunavut Land Use Plan (DNLUP). Over the next year and a half, the NPC will consult widely on the DNLUP, visiting and encouraging communities to share and receive important land and resource information in the NSA. The NPC is also returning to Communities to present the information that is being collected. This process is being guided by the NPC's Community Engagement Strategy.

In addition to the ongoing work in the Communities, the NPC is committed to engaging with the Designated Inuit Organizations (DIOs), Federal and Territorial Government agencies and departments, Institutes of Public Government (IPG's) and other organisations, herein referred to as "the Parties", in the further development of the DNLUP. This document has been prepared to help guide the engagement of the Parties.

## 1.2 Objective

The overall objective of this document is to maximise the participation of the Parties in the further development of the DNLUP.

## 1.3 How to read this document

This document is not binding on the NPC or any of the Parties. It has been developed to promote discussion and maximise participation in the further development of the DNLUP. In preparing this document, the NPC has made every effort to provide realistic and achievable timelines. Notwithstanding this, the NPC appreciates that other commitments and constraints may restrict some Parties from participating fully in this process. Recognising this, the NPC would like to make it clear that it is available to receive and discuss issues with the Parties, and any other organisation and/or body, at any time.

#### **1.4 Guiding Documents**

The Nunavut Land Claims Agreement provides the overall policy direction for the development and review of land use plans. The process outlined in the NLCA for the development and review of land use plans is reflected in this document.

This document places significant emphasis on the direction provided for the development and review of land use plans contained in the draft Nunavut Planning and Project Assessment Act (NUPPAA). The Nunavut Planning Commission's Broad Planning Policies, Objectives and Goals, which was prepared in conjunction with Government and the Nunavut Tunngavik Incorporated, has also provided direction.

The recommendations contained in the Independent Review Draft Nunavut Land Use Plan Final Report, June 15, 2012 prepared by Dillon Consulting Ltd (referred to as the Independent Third Party Review, or ITPR) have been considered by the Commission in the preparation of this document.

# 2 Policy Framework and Guiding Documents

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## 2.1 Nunavut Land Claims Agreement

The Nunavut Land Claims Agreement (NLCA) provides the overarching policy direction for the development and review of land use plans in NSA. Article 11, Part 5, Sections 11.5.1 to 11.5.4 of the NLCA provides the policy direction regarding the development and review of land use plans leading up to submission to the appropriate federal and territorial Ministers. This section of the NLCA states;

- S.11.5.1** *A Nunavut land use plan shall be formulated by the NPC in accordance with Section 11.5.4 to guide and direct short term and long term development in the Nunavut Settlement Area. Regional or sub-regional components of the land use plan shall be implemented where approved pursuant to Section 11.5.9.*
- S.11.5.2** *The first stage of the formulation of a land use plan, after such consultation as the NPC finds appropriate, shall be the preparation of a draft land use plan by the NPC.*
- S.11.5.3** *The NPC shall prepare a draft land use plan in accordance with Section 11.5.4 and, upon completion, shall make the draft land use plan public and solicit written and oral comments from all appropriate federal and territorial government agencies, DIOs, communities and the general public.*
- S.11.5.4** *The NPC shall;*
- a) Conduct public hearings on the draft plans;*
  - b) Evaluate the draft plans in light of representations made at the public hearings; and*
  - c) As appropriate, revise the draft plans*
- S.11.5.5** *Upon completion of the process in Section 11.5.4, the NPC shall submit the draft plan as revised along with a written report of the public hearings to the Minister of Indian Affairs and Northern Development and the Territorial Government Minister responsible for Renewable Resources. The NPC shall also make the revised draft land use plan public.*

## 2.2 The Draft Nunavut Planning and Project Assessment Act

The Draft Nunavut Planning and Project Assessment Act (NUPPAA) elaborates on the policy direction provided by Sections 11.5.1 to 11.5.4 of the NLCA. Sections 49 through Section 53 of NUPPAA states;

- S49 *After concluding any consultations that it considers appropriate, the Commission must prepare a draft land use plan for the entire designated area or for one or more planning regions;*
- S50 (1) *Before holding a public hearing in respect of a draft land use plan, the Commission must make the draft plan public and must do so in a manner designed to promote participation in its examination by the public;*
- (2) *The Commission must solicit written and oral comments on the draft land use plan from appropriate departments and agencies, appropriate designated Inuit organisations, affected municipalities, interested corporations and organisations, Inuit and other residents of the designated area and the general public;*
- S51 (1) *After allowing a reasonable period for the submission of comments on the draft land use plan, the Commission must hold a public hearing in respect of it.*
- (2) *The Commission must take all necessary steps to promote public awareness of, and public participation in, the public hearing, including through the choice of date, time and place of the hearing, notice given in relation to them and measures taken to disseminate any relevant information*
- (3) *In conducting a public hearing, the Commission must give great weight to the Inuit traditions regarding oral communication and decision making and must accord to the designated Inuit organisation full standing to appear at a public hearing for the purpose of making submission on behalf of the people it represents;*
- S52 *After the public hearing is held, the Commission must consider any comments made in respect of the draft land use plan under subsection 50(2) or submissions made during the hearing and make any revisions to the draft land use plan that it considers appropriate.*
- S53 *The Commission must submit the original or revised draft land use plan, which it must make public, and a written report of the proceedings at the public hearing held in respect of it, to the federal Minister, the territorial Minister and the designated Inuit organisation.*

### **2.3 The Nunavut Planning Commission's Broad Planning Policies, Objectives and Goals**

The Nunavut Planning Commission's Broad Planning Policies, Objectives and Goals were prepared by the NPC in conjunction with Government and NTI and in accordance with Section 11.4.1(a) of the NLCA.

The Nunavut Planning Commission's Broad Planning Policies, Objectives and Goals promote a land use planning process that includes;

- *input from a broad and diverse range of interests;*
- *opportunities for dialogue to share values, priorities, land and resource research, data and information, among Government, Regional Inuit Associations, Nunavut Tunngavik Incorporated and other planning partners for inclusion in land use planning decisions; and*
- *products for comment at all steps in the planning process to encourage organizations to actively participate in a collaborative and transparent manner.*

### **2.4 Independent Review Draft Nunavut Land Use Plan Final Report**

The Independent Review Draft Nunavut Land Use Plan Final Report (ITPR) provides recommendations for the development of a land use plan leading up to a public hearing. The ITPR recommends four steps be followed in the lead up to a public hearing on draft land use plan. These steps are;

- Step 1 Engagement with other IPGs
- Step 2 Public and Stakeholder Participation
- Step 3 Structured Process for Clarifying Specific Expectations
- Step 4 Preparation of a Revised Draft Nunavut Land Use Plan

### **2.5 Development and review of the DNLUP in accordance with the NLCA, NUPPAA, the Nunavut Planning Commission's Broad Planning Policies, Objectives and Goals, and the ITPR**

In accordance with Article 11, Part 5, Sections 11.5.1 to 11.5.5 of the NLCA and Sections 49 to 53 of NUPPAA, the NPC has prepared a draft land use plan (the DNLUP). The DNLUP was made public in September 2012 and the NPC is soliciting written and oral comments from all appropriate federal and territorial government agencies, DIOs, communities and the general public. Once the consultation on the DNLUP is completed, the NPC will conduct a public hearing and, in light of representations made, will revise the DNLUP, as appropriate. The revised



DNLUP, along with a written report from the Public Hearing, will be submitted to the appropriate federal and territorial Ministers and the Designated Inuit Organisation.

The NLCA and NUPPAA promote an integrated, open and transparent process for the development of a land use plan. They provide for input from a broad and diverse range of interests, opportunities for dialogue and encourage organisations to actively participate in the land use planning process. This process is supported by the Nunavut Planning Commission's Broad Planning Policies, Objectives and Goals. This document has been developed to encourage the participation of the Parties in the further development of the DNLUP and in accordance with this policy direction.

The ITPR recommends steps intended to provide clarity and reasonable expectations amongst all stakeholders in the further development of a land use plan. In preparing this document, the Commission has, wherever possible, incorporated the recommendations contained in the ITPR.

Generally, the ITPR encourages structure, clarity, engagement and participation in the planning process. This document promotes all of these things. Where applicable, this document identifies direct links to the NPC's policy obligations and the recommendations contained in the ITPR.

# 3 Framework for Engagement

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## 3.1 Introduction

The framework for the engagement of the Parties is consistent with the overall policy direction provided in the NLCA, NUPPAA, and the Nunavut Planning Commission's Broad Planning Policies, Objectives and Goals. Consideration has also been given to the recommendations contained in the ITPR.

The framework consists of four phases;

- Phase 1** Consultation Phase;
- Phase 2** Preparation of Representation;
- Phase 3** Public Hearing; and
- Phase 4** Submission of a Revised DNLUP.

Details of each phase are discussed below. A timeline of engagement is attached as Schedule A.

Parties unable to participate in the process outlined below are encouraged to provide feedback on the DNLUP prior to April 11, 2014. This is the last date that NPC staff will receive written feedback and submissions for considerations as part of the revised Options and Recommendations Document. Please see Section 3.3 for further description of the Options and Recommendations document.

## 3.2 Phase 1: Consultation Phase (September 2012 – June 2014)

Phase 1 includes the following;

- a) Initial Workshop (September 2013);
- b) Written Submissions (February 2014); and
- c) Final Meeting with NPC staff (May 2014)

Phase 1 has been developed to reflect the overall policy direction provided in Sections 11.5.3 of the NLCA and Section 50 (1) and (2) of NUPPAA. It has also been prepared in consideration of Steps 1-3 recommended by the ITPR.

a) Initial Workshop – September 2013, Cambridge Bay

The Parties will be invited to participate in an NPC hosted workshop. A detailed agenda will be provided to the Parties ahead of the workshop. The workshop will be held in Cambridge Bay in September 2013.

During the workshop, NPC staff will present the DNLUP and provide reason for its content through a review of the Options and Recommendations document. The process leading to a revised DNLUP will also be presented. The purpose of the workshop is to provide clarity and to inform submissions on the DNLUP.

b) Written Submissions – February 14, 2014

The NPC is encouraging the Parties to provide written submissions after the Initial Workshop and before February 14, 2013. All written submissions will be made publicly available on the NPC's public registry at [http://www.nunavut.ca/en/draft\\_plan/consultation\\_record](http://www.nunavut.ca/en/draft_plan/consultation_record).

April 11, 2014 will be the last date that NPC staff will receive and consider written comments on the DNLUP ahead of the Public Hearing.

c) Final meetings with NPC Staff - May 2014, Cambridge Bay

Parties who provided written comments ahead of or on February 14, 2014 will be invited to a meeting with NPC staff in Cambridge Bay. The meetings will be held through the month of May. The purpose of the meeting is for NPC staff to fully understand the content of the submissions ahead of finalising the revised Options and Recommendations Document. The revised Options and Recommendations Document will form the basis of the NPC staff representation at the public hearing and will provide recommendations for revisions to the DNLUP.

An additional meeting will be held in May with representatives from the Government of Canada, Government of Nunavut and the Nunavut Tunngavik Incorporated. The purpose of the meeting is to clarify specific expectations for the approval of a revised DNLUP, in consideration of submissions made.

**3.3 Phase 2: Preparation of representation (June 2014 – November 2014)**

Phase 2 has been developed in consideration of Steps 3 and 4 recommended by the ITPR. During this Phase, NPC staff will review and consider all submissions that were received before April 11, 2014 and information received and discussed at the meetings in May 2014. NPC staff will also consider and review information collected during visits to the Communities and any other available applicable materials. NPC staff will revise the Options and Recommendations in consideration of all the additional information.

The Options and Recommendations document was created to achieve transparency in decision making in land use planning. The document describes the decision making framework including

how information available to the NPC was used to develop policy options and recommendations for the Commission's consideration in the development of land use planning policy. The revised Options and Recommendations document will form the basis of the NPC staff representation on the DNLUP to the Commission at the Public Hearing.

The revised Options and Recommendations document will be made public before the public hearing and the Parties will be encouraged to review the document. All comments regarding the revised Options and Recommendations document are to be directed to the Commission at the Public Hearing, either verbally, or in writing, or both.

### **3.4 Phase 3: Public Hearing (November 2014)**

In accordance with Section 11.5.4 of the NLCA and Sections 51 (1) through (3) of NUPPAA, and in consideration of Step 4 of the ITPR, the NPC will conduct a public hearing on the DNLUP and will receive representations.

During the Public Hearing, NPC staff will present the DNLUP and the revised Options and Recommendations Document, which will contain options and recommendations for revising the DNLUP. Following the NPC staff representation, participants will have an opportunity to make representation to the Commission.

### **3.5 Phase 4: Submit the Revised Plan (December 2014 – March 2015)**

In accordance with Section 11.5.5 of the NLCA and Section 52 and 53 of NUPPAA, and in consideration of Step 4 recommended by the ITPR, all representations that were made during the Public Hearing will be considered by the NPC. After consideration, the Commission will direct NPC staff to revise the DNLUP accordingly. The direction that the Commission provide NPC staff will be based upon consideration of all submissions made at the public hearing. Changes made to the DNLUP will be outlined in a report.

Once complete, the revised DNLUP will be made publically available and submitted to the appropriate territorial and federal Ministers and the Designated Inuit Organisation for approval. A report from the Public Hearing will be submitted along with the DNLUP as well as any other supporting materials.

### **3.6 Timeline**

The process outlined in Sections 3.1 through 3.5 of this document is illustrated on the timeline attached as Schedule A. The Timeline also includes the Community Visits being carried out by the NPC for reference.

# 4 Next Steps

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## 4.1 Community Visits and Engagement of Parties

Over the next year, the NPC will continue to visit NSA Communities and engage neighbouring jurisdictions with interests in Nunavut to discuss important land and resource management issues. Information received during these visits will inform Community Reports, which will be used to inform the further development of the DNLUP. The NPC is committed to re-visiting each NSA community to discuss the Community Reports. Once the NPC has had an opportunity to discuss the Community Reports with Community members and validate and verify the information contained within them, the Community Reports will be released publicly on the NPC's website.

In accordance with the framework outlined in this document, the NPC has committed to workshops to clarify and inform submissions of the Parties on the DNLUP.

In addition, the NPC will continue to receive and encourage comments, questions, feedback on the DNLUP from any organisation or individual and will continue to document any submissions that are received.

The NPC is committed to meeting the timelines and milestones outlined in this document, as well as the commitments it has made to visit the Communities. The NPC reminds the Parties that pursuant to Section 197 of NUPPAA;

*If a regulatory authority or a department or agency or municipality that is not a regulatory authority is in possession of specialist or expert information of knowledge, including traditional knowledge, it must, at the request of the Commission, a responsible authority, the Board, a federal environmental assessment panel, a joint panel or the responsible minister, as the case may be, make that information or knowledge available to them, if they require it to exercise their powers or perform their duties or functions.*

Every effort will be made by the NPC to ensure that that the submission of a revised DNLUP to the appropriate federal and territorial ministers, and Designated Inuit Organisation, reflects truly and accurately the input of all of NPC's planning partners. In this respect, we encourage all the Parties to make every effort to fully participate in assisting the NPC in preparing this important document.

# Draft Nunavut Land Use Plan Timeline (2012-2015)

- All partners
- - - Parties + Commission
- - - Commission
- - - Phases

