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Nunavunmi Parnaiyit  
Nunavut Planning Commission  
Commission d'Aménagement du Nunavut

June 10, 2015

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*Delivered via Electronic Mail*

**Re: June 8, 2015 NTI / QIA Correspondence to Honorable Bernard Valcourt - BIMC exemption request in response to the Nunavut Planning Commission (NPC) Negative Conformity Determination (NCD) on the proposed Mary River Project Phase II**

Thank you for your joint letter to the Minister dated June 8, 2015. The Nunavut Planning Commission (the Commission) appreciates the support of NTI and QIA for the continued implementation of the Nunavut Land Claims Agreement (NLCA).

I note your joint request to the Minister that he direct his officials to work with Commission to enable any potential amendment to proceed in a timely manner and on a priority basis. If the Commission receives an amendment request, we will work diligently with Aboriginal Affairs and Northern Development Canada (AANDC) to ensure it could proceed in a timely process. The Commission does require AANDC's support to enable this to happen. Further, the

Commission is not involved in the proponent's request for a Ministerial exemption under the NLCA. If the Minister should ask the Commission for input as the *Nunavut Planning and Project Assessment Act (NUPPAA)* compels him to do once it is in force, the Commission will provide the Minister with the requested information.

I think it is important to clarify the Commission's current situation as it relates to any potential amendments by proponents. The Commission is in a predicament because each year we must prepare and submit a budget and work plan to AANDC for approval. AANDC officials have informed us that we are not allowed to deviate from this work plan. If an application for an amendment is submitted, in order for an amendment to take place in the same fiscal year we would need to have AANDC's full support.

It is also important to realize that the Commission is not allowed to run a deficit. In 2013 to 2014, the Commission undertook the second plan amendment to the NBRLUP, with a commitment from staff at AANDC that it would reimburse the Commission's cost for the public review. The Commission has subsequently been informed that it will not be reimbursed for these costs.

We at the Commission understand your concerns that you stressed in previous correspondence "to allow the greatest possible public involvement in the decision making process consistent with the mandate of the NPC." We agree with this sentiment and acknowledge the need for this to happen as outlined in the Nunavut Land Claim Agreement (NLCA) and the approved NBRLUP.

The Commission has committed to working with BIMC if they choose to apply for an amendment. As you are aware, an amendment application may trigger a public process requiring considerable community and public involvement and consultation.

I understand the Minister also agrees with the importance of holding a public consultation. In his letter to QIA dated June 4, 2014, he stated: "I, likewise, feel it is important to hear the community's and your organization's concerns."

In case you are not already aware of this fact, all other Institutions of Public Government have access to the Federal Government's Public Hearing Funding, except for the Commission. In my discussions with AANDC, it was explained to me that access is not available to the Commission because the original intent when NPC was established did not envision NPC to hold public hearings. I have personally brought this issue to the attention of Minister Valcourt. Allowing access to Public Hearing Funding would ensure the Commission's ability to fulfill its mandate and process amendments and public consultations in a timely fashion in spirit and in conformity with Inuit and broader public expectations. We will continue to work with AANDC to resolve this matter.



