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Tuglia Ministam, Avatiliqiyikkut

Deputy Minister, Department of Environment

Sous-ministre, Ministère de l'Environnement

Andrew Nakashuk Chairperson Nunavut Planning Commission P.O. Box 2101 Cambridge Bay, NU X0B 0C0

Dear Mr. Nakashuk:

May 10, 2017

## RE: Regional Public Hearings for the 2016 Draft Nunavut Land Use Plan

I would like to thank the Nunavut Planning Commission (the "Commission") staff for its efforts in organizing the recent Qikiqtani Public Hearing (the "Qikiqtani Hearing") for the 2016 Draft Nunavut Land Use Plan (the "2016 DNLUP"). The task before the Nunavut Planning Commission in developing a territory-wide land use plan is monumental and unprecedented. This past Qikiqtani Hearing was an important milestone in this planning process, signaling that an approvable Nunavut Land Use Plan ("NLUP") may be successfully developed in the near future.

The timely approval of the 2016 DNLUP is a Government of Nunavut priority, but we can only support an NLUP which aligns with our policies, and which benefits the long-term well-being of Nunavummiut. Nunavut Agreement, Article 11, Land Use Planning is an important component of our Territory's broader regulatory system. The approved NLUP should foster regulatory certainty within the Territory by proactively resolving land access conflicts between Nunavummiut and project proponents, but only in a manner which is appropriately scoped for this first generation NLUP. As you are aware, the Government of Nunavut has serious concerns regarding the 2016 DNLUP. We disagree with the Commission's approach to certain issues, particularly caribou habitat zoning, and the resultant prohibitions to development; prohibitions which appear to be either insufficiently supported by the Commission's consultation record or poorly rationalized in the Commission's 2016 Options and Recommendations document.

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At the Qikiqtani Hearing there was some valuable discussion regarding planning issues, but there was a critical lack of focus on the merits and risks of 2016 DNLUP proposed restrictions to development. For the most part discussions revolved around poorly defined zoning options with a primary emphasis on whether participants wanted 'Protected Areas' (with little to no recognition by delegates and participants of the restrictions imposed by this zoning option) or not. This polarization created a damaging potential for community members to negate any possibility of a middle ground in land use designations. Our observation is that the Nunavut Planning Commission's communications at the Qikiqtani Hearing did not appropriately capture either the land use benefits of the 'Special Management Area' and 'Mixed Use Area' zoning options, or the broader regulatory process provided for in Articles 10-15 of the Nunavut Agreement. In both cases the 'Protected Areas' designations were falsely portrayed as the single line of defense against unimpeded development.

Many attendees felt that the Qikiqtani Hearing was at times an adversarial process in which parties were treated as if they were opponents to the NPC, rather than planning partners. While this may at times be appropriate at a Commission-led hearing (for example, during conformity determinations where the Commission is a decision-making body), at the NLUP hearings this is neither an appropriate nor a productive way to proceed. It is our view, and we believe it is supported by the legislated requirements in the *Nunavut Planning and Project Assessment Act*, SC 2013, c 14, s 2 ("NuPPAA"), that NLUP hearings should be a collaborative affair where the Commission – in its role as the NLUP drafting body – is receptive of information and is fulsome in its replies to participants. While we appreciate that the Commission is empowered by NuPPAA to create its own rules of procedure, given that this is not a decision-making hearing, we believe it should be a collaborative and open process, free of adversity between the parties. We are, of course, all striving for a common goal.

The Government of Nunavut desires more comprehensive and meaningful discussions between participants for the remaining 2016 DNLUP regional hearings. Our recommendations to improve communications at the upcoming Kivalliq and Kitikmeot hearings are as follows:

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- All participants should be allotted time to briefly introduce themselves and their key interests or recommendations for the 2016 DNLUP, prior to NPC's introductory presentation;
- The NPC's introductory presentation on its 2016 DNLUP did not allow for indepth discussion regarding known outstanding DNLUP issues. The NPC should consider ways to integrate issue-specific dialogue after objectively presenting potential solutions to DNLUP issues (drawing from January 2017 technical submissions);
- Questions from the Commission to participants should be provided on the Commission's website well in advance of the next hearing, and should not dominate hearing time allowances. Should the Commission pursue cross examination style questioning, participants will also pursue similar questioning of the Commission;
- Timeslots for discussion or roundtable questioning should be primarily focused on soliciting meaningful community delegate feedback on the 2016 DNLUP proposed restrictions;
- Agendas with hourly windows should be provided well in advance of the hearings;
- Commissioners should endeavor to keep discussions on-topic, productive, unbiased, and non-defensive;
- Commissioners should refrain from commenting at length on evidence or testimony provided by presenters;
- Accurately portray 2016 DNLUP land use designations such that 'Protected Areas' and 'Special Management Area's' are both forms of protection that include year round and seasonal activity restrictions, respectively; and
- Commission staff should refrain from continually referencing plan amendment processes as a means for resolving outstanding NLUP conflicts, particularly without providing a clear overview of the Commission's procedures for implementing plan amendments.

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We are confident you will take these recommendations into consideration, and look forward to the next steps towards an approved 2016 DNLUP.

Sincerely,

David Akeeagok

Deputy Minister of Environment

Department of Environment

Government of Nunavut

C James T Arreak, Chief Executive Officer, Nunavut Tunngavik Incorporated Steven Vandine, Assistant Deputy Minister, Indigenous and Northern Affairs Canada