

As recently explained in the August 18, 2016 response of NPC Chairperson Andrew Nakashuk to Senator Denis Patterson on the staking issue, under subsection 4(3) of the *Nunavut Land Claims Agreement Act*, the NPC may exercise its powers and is required to carry out its duties “to the extent provided for by the [NLCA]” as a body on whom the NLCA confers a power and imposes a duty. The NPC has a duty to exercise its discretion under section 12.3.3 of the NLCA to decide whether to refer a **“project proposal falling within Schedule 12-1”** to the Nunavut Impact Review Board (NIRB) for screening on the basis of cumulative impact concerns, whether or not the matter at issue is a staking activity that would otherwise be exempt from NPC review under the *NUPPAA*. While the NPC understands that INAC will not be forwarding staking proposals to the NPC, the NPC will review “all project proposals” submitted to it, including any staking proposals, in accordance with its ongoing obligations under section 11.5.10 of the NLCA.

The NPC provides no opinion on whether INAC’s position is consistent with its obligations under the NLCA. I would however refer you to section 12.10.1 of the NLCA, which appears to preclude the issuance of any licences and approvals required to let a proposed project proceed until the NPC has determined whether a screening by the NIRB is required. The NPC also does not give any advice on the effect of a proponent failing to submit a “project proposal” to the NPC under section 11.5.9A of the NLCA, but notes that it is proponents who would bear the risk of failing to submit a project proposal to the NPC.

In reviewing cumulative impacts, the NPC may consider ecosystemic and socio-economic impacts on Inuit who rely on wildlife for subsistence and other social uses. If the NPC’s concerns justify referring a project (or “project proposal”) to NIRB, the NIRB then considers whether a project requires review. The NIRB may then specifically consider significant adverse impacts on wildlife habitat or Inuit harvest activities, among other factors.

The NPC appreciates your proposal of a workshop following the NPC’s scheduled pre-hearing conference in September. I have reviewed the correspondence of Ms. Stephanie Autut, Executive Director of the Nunavut Water Board, dated September 7, 2016, and suggest that the issues raised in that letter as well as herein should be open for discussion in that workshop. However, due to the NPC’s various obligations to prepare for the public hearing on the DNLUP in late September, hold its regular Commissioner meetings in October, and to conduct community regional sessions from October to November, the earliest that the NPC’s representatives can be available for such a workshop is November 9, 2016.

In conclusion, as set out in this letter and in that of Ms. Autut, the difficulties your letter raises are not the NPC’s interpretation of the definition of “project” in the *NUPPAA*. It is the inconsistencies and conflicts between the NLCA and *NUPPAA*, which the NPC and other IPGs are tasked with implementing, that are at issue.

