



October 14, 2016

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Dear Angad:

**RE: Nunavut Planning and Project Assessment Act (NUPPAA) Implementation Workshop  
– Agenda Items**

The NWT & Nunavut Chamber of Mines (Chamber) looks forward to participating in the upcoming workshop. We would like to see the following items included in the agenda:

**1. Determination of “Project”**

There is a difference of interpretation of the term “project”. Under the NUPPAA, s.2, definition:

*“project” means the carrying out, including the construction, operation, modification, decommissioning or abandonment, of a physical work or the undertaking or carrying out of a physical activity that involves the use of land, waters or other resources.*

*It does not include:*

- (a) the undertaking or carrying out of a work or activity if its adverse ecosystemic impacts are manifestly insignificant, taking into account in particular the factors set out in paragraphs 90(a) to (i);*
- (b) the undertakings or carrying out of a work or activity that is part of a class of works or activities prescribed by regulation; [there is currently no such regulation, and regs take a relatively long time to put into place] or...”*

As staking has minimal to low impact on the environment, the Chamber is asking for clarification on what defines a “project” and if the exemptions outlined in Schedule 12-1 of the Nunavut Land Claim Agreement (NLCA) stand and are applicable to the Nunavut Planning Commission (NPC) i.e. *“Prospecting, staking or locating a mineral claim unless it requires more than a Class B permit...”*

**2. Confidentiality of Staking Activities**

Staking is considered confidential in every other jurisdiction in Canada. The Chamber believes that previous exemptions of activities as outlined in the NLCA such as staking from processes related to “projects” should stand under NUPPAA and remain confidential.

The Chamber would like to see the NPC use the same approach to staking and other minimally disruptive economic activities that is applied across other jurisdictions in Canada. The NPC

needs to understand that not all activities can be subject to a public review and the concept of de minimis needs to be applied.

### **3. Licenses for Staking on Inuit Owned Land (IOL)**

Until last year, all land access license applications went to the affected Regional Inuit Association, which in turn quickly approved licenses based on their merits, while maintaining a confidential process. Typically, proponent applications were turned around in less than 30 days with some being approved within 7 – 10 days.

Currently, the process has ground to a halt. With the onset of NUPPAA, NPC now provides final approval for any land access licenses on IOL. As part of its process, NPC checks for conformity to the Nunavut Land Use Plan (which doesn't yet exist). The conformity process takes at least 45 days and removes all confidentiality for free access to land.

We would like to impress upon you the need for clarity on these important issues. The confusion and loss of confidentiality has led to investor uncertainty and missed economic opportunities in Nunavut.

We look forward to a resolution on these issues at the upcoming workshop.

Sincerely,

**The NWT & Nunavut Chamber of Mines**



Elizabeth Kingston  
General Manager - Nunavut