

February 18, 2017

Ms. Sharon Ehloak, Executive Director
Nunavut Planning Commission
Iqaluit, Nunavut

Mr. Ryan Barry, Executive Director
Nunavut Impact Review Board
Cambridge Bay, Nunavut

Ms. Stephanie Autut, Executive Director
Nunavut Water Board
Gjoa Haven, Nunavut

Dear Executive Directors:

Re: Consistency of the term "Project" with the *Nunavut Agreement*

The purpose of this letter is to confirm the senders' respective organisations' shared understanding that the term "project" in the *Nunavut Planning and Project Assessment Act* is consistent with the term "project proposal" in the *Nunavut Agreement*.

Nunavut Tunngavik Inc., the Government of Nunavut and the Government of Canada share the view that the term "project proposal" in the *Nunavut Agreement*, when read purposively in its context, includes a *de minimis* threshold below which the assessment regime in the *Nunavut Agreement* does not reach.

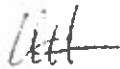
The *Nunavut Planning and Project Assessment Act* reflects the *de minimis* threshold in the *Agreement* by excluding from the defined term "project" the undertaking or carrying out of a work or activity if its adverse ecosystemic impacts are manifestly insignificant, taking into account the factors set out in paragraphs 90(a)-(i) of the Act.

It is therefore our understanding that reliance on the term "project" as it is defined in the Act enables the full implementation of the assessment regime in the *Nunavut Agreement*. Two of the undersigned organisations have shared written explanations of their bases for these conclusions. They are attached for your convenience.

We recognize that the practical or operational implications of the *de minimis* threshold will need to be clarified over the near future, through some combination of more detailed discussions, guidance documents and the development of a body of experience as the Act's processes operate over time.

We would appreciate it if you could put this matter before your respective tribunal members, and are hopeful that this letter is sufficient to resolve any concerns around the consistency of a *de minimis* threshold with the *Nunavut Agreement*. If additional discussion or other measures are required to address this, we would be pleased to engage with you further.

Yours truly,



Udlu Hanson
A/Chief Executive Officer
Nunavut Tunngavik Inc.

Yours truly,



David Akeagok
Deputy Minister
Department of Environment
Government of Nunavut

Yours truly,



Stephen Van Dine
Assistant Deputy Minister
Indigenous and Northern
Affairs Canada
Government of Canada

2 Enclosures



Affaires autochtones et
Développement du Nord Canada

Aboriginal Affairs and
Northern Development Canada

Sous ministre adjoint

Assistant Deputy Minister

Ottawa, Canada
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