



JUL 12 2012

Mr. Jim Noble  
Chief Operating Officer  
Nunavut Wildlife Management Board  
P.O. Box 1379  
Iqaluit NU X0A 0H0

RECEIVED  
JUL 24 2012

Dear Mr. Noble:

Thank you for your letter of April 27, 2012, regarding the proposed *National Parks of Canada Wild Animal Regulations*, in particular, the concern of the Nunavut Wildlife Management Board (NWMB) that the proposed Regulations are in conflict with Inuit rights under the Nunavut Land Claim Agreement (NLCA). You also give notice of your intention to make a formal decision under the process in sections 5.3.16 to 5.3.23 of the NLCA.

The proposed Regulations were drafted as they were in recognition of the fact that this contravention is precluded by clause 2.12.2 of the NLCA and section 6 of the *Nunavut Land Claim Agreement Act*, which state that in the event of an inconsistency between any federal government laws and the NLCA, the NLCA shall prevail. Moreover, Parks Canada in all its regulatory work also relies on the non-derogation clause in subsection 2(2) of the *Canada National Parks Act* to signal its intent to respect existing Aboriginal or treaty rights of the Aboriginal peoples of Canada who are given protection under section 35 of the *Constitution Act, 1982*. Such non-derogation wording is not repeated in subordinate legislation such as the proposed Regulation. As you point out in your letter, Parks Canada did include statements in its presentation to the NWMB that the proposed Regulation was not intended to affect Aboriginal rights enjoyed by beneficiaries under the NLCA.

I understand that Parks Canada officials met with you and your legal counsel on May 25, 2012, and agreed that Parks Canada would work with Justice Canada to add wording to the proposed Regulation to address your concern about the appearance of non-conformity with the NLCA. The Agency also proposes to share a new working draft of the proposed Regulation with you and your legal counsel to seek input before proceeding further with the regulatory process. I trust this process will result in the satisfactory resolution of your concerns.

.../2

With regard to your intention to make a formal decision under the process in sections 5.3.16 to 5.3.23 of the NLCA, I respectfully disagree with your assertion that the identified trigger, section 5.2.34(d)(i) of the NLCA, applies in the current circumstances. That section refers to the approval of plans, not regulations, as is the case in the present situation. Moreover, that section applies to plans in respect of "particular wildlife," not wild animals generally. I understand that your organization takes a much broader interpretation of the wording of the NLCA sections.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Kent". The signature is fluid and cursive, with a large initial "P" and a long horizontal stroke at the end.

The Honourable Peter Kent, P.C., M.P.