NWMB PRE-HEARING TELECONFERENCE

Pre-Hearing Teleconference Nunavut Polar Bear Co-management Plan April 26, 2018

Nunavut Wildlife Management Board
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Nunavut Polar Bear Co-management Plan
Thursday, April 26, 2018

NWMB and Other Participants/Observer

NWMB

- Daniel Shewchuk — Acting Chairperson
- Jason Akearok — Executive Director
- Michael d'Eça — Legal Advisor
- Kyle Ritchie — Habitat and Species at Risk Management Biologist
- Evie Amagoalik — Interpreter

Other participants/observers

- James Qillaq — Qikiqtaaluk Wildlife Board
- Jason Mikki — Qikiqtaaluk Wildlife Board
- Michael Ferguson — Qikiqtaaluk Wildlife Board
- Qovik Netser — Kivalliq Wildlife Board
- Ezra Greens — Kivalliq Wildlife Board
- Ema Qaggutaq — Kitikmeot Regional Wildlife Board
- Joe Ashevak — Kitikmeot Regional Wildlife Board
- Paul Irngaut — Nunavut Tunngavik Incorporated
- Raymond Mercer — Nunavut Tunngavik Incorporated
- Peter Kydd — Parks Canada Agency
- Markus Dyck — Government of Nunavut
- Rob Harmer — Government of Nunavut
- Drikus Gissing — Government of Nunavut
- Sam Iverson — Environment and Climate Change Canada
- Lauren Schmuck — Environment and Climate Change Canada
- Janice Traynor — Indigenous and Northern Affairs Canada
- Erin Keenan — World Wildlife Fund

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Introduction and Opening Remarks

Jason Akearok, the Nunavut Wildlife Management Board's (NWMB) Executive Director welcomed participants to the call. The Executive Director asked if it was okay to record the teleconference. There were no objections.

Daniel Shewchuk, NWMB's Acting Chairperson, said an opening prayer and informed participants that there was an interpreter, before asking all participants to introduce themselves, stating who they were and who they were representing. He then outlined the meeting explaining that the Executive Director and the NWMB's legal advisor, Michael d'Eça, would set out the NWMB's position and then organizations would have a chance to respond in the order: Qikiqtaaluk Region, Kivalliq Region, Kitikmeot Region, Nunavut Tunngavik Incorporated (NTI), Government of Nunavut – Department of Environment (GN-DOE), Environment and Climate Change Canada (ECCC), Parks Canada (PCA), World Wildlife Fund (WWF) and then Indigenous and Northern Affairs Canada (INAC).

NWMB's Position

NWMB's Executive Director stated that:

- The Government has a responsibility to consult and the GN has held two rounds of consultations on the Nunavut Polar Bear Co-management Plan.
- The NWMB has no concerns with the consultation process and no concerns have been expressed by any party.
- The GN submitted their Proposal for Decision at the March 2017 Board meeting.
- The NWMB made the decision to hold an in-person public hearing.
- The Board's responsibility then is to hold a fair hearing; that participants are given reasonable notice, full disclosure and a fair opportunity to provide their submissions/responses to the GN's Proposal for Decision.
- There are fiscal and logistical constraints that are challenging to organizing this hearing, however, what we are here to do for this call now is to listen to the views expressed on this call, to consider them, and to find a way to hold a hearing that meets everyone's reasonable expectations.

The NWMB legal advisor stated that the NWMB essentially starts from a three point position:

1. *As arranged with INAC to address participant funding for this particular hearing (one-time arrangement only), the NWMB has secured sufficient funds to pay airfare, accommodation and per diem for one hearing delegate from each community (except the "host" community) to participate at the hearing* [see the NWMB's April 6th 2018 letter to hearing parties]*;*

2. *The hearing is to be held over a 4-day period in Iqaluit (likely October 8th to 11th 2018), with flexibility as to the dates required because of accommodation availability [see the NWMB's April 6th 2018 letter]; and*

3. *All the co-management partners have a shared challenge to secure a longer-term solution to the difficult task of securing participant funding for future NWMB hearings. That funding must come from the Government, not from the NWMB's limited and fixed (2013-2023) annual operating budget. The best way forward is to work together. The NWMB will be in further touch soon regarding next steps.*

He also stated that a four-day hearing is the longest hearing NWMB has ever held. He then set out the NWMB's proposed time allotments for the meeting:

Organization	Time
GN-DOE	¾ day
NTI	½ day
RWOs and communities	2 days
All remaining parties	¾ day

NWMB's legal advisor also noted that if additional time is required, NWMB rules allow for evening sessions (generally up to 2 hours in length so potentially 8 additional hours).

Discussion with Co-management Partners

NWMB's Chairperson opened the floor for input from co-management partners; in the order: Qikiqtaaluk Region, Kivalliq Region, Kitikmeot Region, Nunavut Tunngavik Incorporated (NTI), Government of Nunavut – Department of Environment (GN-DOE), Environment and Climate Change Canada (ECCC), Parks Canada (PCA), World Wildlife Fund (WWF) and then Indigenous and Northern Affairs Canada (INAC).

Qikiqtaaluk Region

James Qillaq (QWB) stated that some communities weren't able to come before and asked if this has been corrected so that all communities could attend. NWMB's Chairperson responded that the NWMB met with INAC and acquired support so that all delegates from all communities could attend. He stated

that it's a one-time deal, until we work together to acquire future funding. NWMB's Executive Director added that if we hold a hearing in Iqaluit, Iqaluit delegates won't be covered because they should already be in town.

Mike Ferguson (QWB) questioned the introductory remark from the Executive Director -- that there were no concerns expressed by RWOs and HTOs. He stated that the RWOs and HTOs hadn't had a chance to express concerns yet and that was why there have been none. He also stated that no response shouldn't be assumed to be agreement. His next comment was regarding the time allocation set out by NWMB's legal advisor and stated that at least 4 days would be need as the current allocations leave each HTO with half an hour to present. Additionally, the government agencies would get an hour each and that we should re-look at the time allocation – there are many ways to divide the time and it should be done carefully. Thanked NWMB for bringing that topic up at the beginning, because it gives them a chance to comment and give feedback. He thinks there are likely to be some common issues that come up, and questioned if there was a way to hold any workshops or focus groups to address some common issues. He also commented on the third point set out by NWMB's legal advisor (Honoraria aren't provided), but agrees with Michael that money should come from government and thinks RWOs will too.

NWMB's legal advisor made two points in response to Michael Ferguson's (QWB) comments. The Supreme Court of Canada cases, made it clear that there is no need to wait for any kind of invitation; if you think consultation is not adequate, don't wait to say. Also, that NWMB invited opportunity to provide feedback earlier in a written hearing. However, NWMB stopped the hearing process after it received submissions that raised concerns, and then contacted GN about concerns they had heard and the submissions received. GN then made changes, re-consulted, and came back to NWMB. NWMB then decided to have an in-person public hearing. Since all communities were not able to attend, QWB and KWB declared a boycott to the public hearing that was scheduled. His understanding is that concerns were raised, but not with respect to consultations.

NWMB's legal advisor stated that based on our 12 years of experience with in-person hearings, almost all of the time that is provided to those other parties is spent answering questions. They don't spend very much time on their submissions. The 28 communities may have a lot in common in their messages, it would be good to find a way to make a strong point once rather than have it repeated many times. Agrees with Michael Ferguson (QWB) that finding someway to coordinate may be helpful. His last comment was that it is not common to provide honoraria, he said the NWMB would check if any other Institutions of Public Government provide honoraria, but it is uncommon for tribunals to pay people a fee to attend their public hearings.

Michael Ferguson (QWB) stated that before NWMB's legal advisor reviewed that, he didn't know what the full-scope meant by concerns about the consultation, he did not include concerns that the QWB had over the written public hearing; specifically, the revised management plan, which QWB had clear

concerns about. They expressed their concerns very clearly at the March 2017 meeting, before NWMB called for the in-person public hearing. They disagreed with GN's position that there did not need to be more consultation. Added that QWB did express concern overall on the consultation that was done and the revised management plan.

Jason Mikki (QWB) asked, when NWMB says one delegate per community, does that include Bay Chimo and Bathurst? NWMB's Executive Director responded saying, that would include those communities and that some of those individuals might live in Cambridge Bay often, but they'll work out those details later. Jason Mikki (QWB) stated that NWMB must make a fair hearing process and asked if NWMB could find a way to have more time for communities and RWOs to respond because they are the most impacted. Was wondering if NWMB would consider moving the government organization's submissions to the evenings to allow more time for communities and RWOs.

NWMB's Chairperson stated that communities and regional organizations are the priorities for this meeting.

NWMB's legal advisor stated that a minimum of half the time should go to Inuit groups and it will. He added that there is also time for Inuit groups to ask questions during the government organization's presentations and that it will be a long 4 days, but so be it if we have to have evening sessions.
Jason Mikki (QWB) asked if there is any other date or time table that we can consider. It falls on Thanksgiving. If NWMB makes the decision next week it gives 6 months to prepare. NWMB usually wants submissions 4 weeks before, so it's more like 5 months. Everyone is going to be going out on the land soon. Asked if there is a plan B of where the hearings can be held? Has NWMB considered asking the Nunavut Inuit Wildlife Secretariat to arrange travel?
NWMB's Executive Director said that even if we start on the 9th, it still means travelling on Thanksgiving. The challenge is that now that we don't have the Arctic Hotel and part of Discovery is spoken for we need the space to accommodate a large group, there may be additional members from some communities. With Koojesse Room being the best spot, we have to compete with other organizations for the space. We'll hear what folks have to say for consideration, but it's important to be flexible with the times and location.

Kivalliq Region
Qovik Netser stated concerns with hotel problem in Iqaluit, would they consider Rankin Inlet, it might be more flexible for hotels there. Had some issues arranging travel to Western Hudson Bay meetings, recommend that the Nunavut Inuit Wildlife Secretariat help take care of airfare and hotel booking.

Kitikmeot Region
Joe Ashevak, KRWB Chairperson, asked if instead of sending one delegate from each community; could it be one from each HTO and a representative from the RWO. NWMB's Executive Director stated that NWMB would cover one delegate per community and that in the past it has been RWOs that cover their

own expense, but there can be more than one delegate if the RWOs and HTOs wish to send more delegates at their own expense.

Ema Qaggutaq (KRWB) asked if it would be more difficult to arrange one hearing per region. Ema added that a meeting of this scale is more difficult to arrange, there can be flight cancellations and other things that affect travel.

The NWMB Chairperson said that it would be a lot more expensive to have it in three regions because everyone not from that region (NWMB, ECCC, GN, NTI, etc.) would have to travel to three meetings. It would also increase the workload on respective administrative staff to arrange three meetings.
NWMB's legal advisor stated that there is appeal to having a meeting in each of the three regions, but there are concerns. The benefit of one big hearing, is everyone gets to hear what everyone else says, which is important to consider. NWMB has support to fund one delegate from each community, but all other costs would be tripled if three meetings are held.
Ema Qaggutaq (KRWB) stated that it wouldn't be good if some regions missed what others said and that he thinks one location would be best.

Nunavut Tunngavik Incorporated
Paul Irngaut (NTI) stated that there is some time until October and that we might be able to secure hotel space to accommodate 40 delegates in Iqaluit if we do so soon. Thinks that the Frobisher Inn may be a good location to hold the meetings. He added that he is concerned about excluding delegates from the host city, as it's just one person, and they don't get per diem or honoraria -- they should get some compensation. Noted that the INAC funding was a one time deal and there will be other public hearings in the future. If it's a concern raised by the government, and Inuit are asked to participate, would the cost of this meeting be the benchmark for the future?

NWMB's legal advisor mentioned that at the Canada-Nunavut Fisheries and Marine Mammal Cooperation Committee meetings we talked about reconciliation and people were very committed to it and that Inuit need to be able to participate in wildlife management so they can trust it as part of reconciliation.

Michael Ferguson (QWB) stated that if written submissions are due a month ahead of the hearing, and the meeting is in October, that will have to happen for HTOs in August and we can generally assume that it won't happen because everyone will be out of the community. Added that early November would be a more fair time to hold the hearing and agreed with Paul Irngaut (NTI) that it would be good if Iqaluit or host community delegates still get per diems or honoraria.
The Chairperson (NWMB) said that he thinks that they can deal with per diems. Wants to go on what Paul said about participant funding and asked Janice Traynor (INAC) if she could address the participant funding of future hearings.

Janice Traynor (INAC) stated that she is from the part of INAC that works with conservation and land use issues, the funding side of the department is not her focus. She understands the push from Institutions of Public Government (IPGs) with needing to be more consistent with that approach.

The Chairperson asked if there was anything else from NTI.

Raymond Mercer (NTI) stated that all his concerns are being raised, and instead of repeating, he'll leave it at that.

Government of Nunavut – Department of Environment
Drikus Gissing (GN) disagrees with QWB, that there wasn't a chance for input from communities. Stated that the plan was developed to meet Nunavut needs and as a national plan of the Species at Risk Act (SARA). Added that if the final plan doesn't meet SARA standards, it's not a big concern. Stated that it would be good for the Board to advise us as soon as possible for the dates of the hearing as they need to bring in Chris Hudson, who developed the plan, and he can answer a lot of questions and concerns.

Environment and Climate Change Canada
Sam Iverson (ECCC) thinks it's important for it to be a single hearing so all regions can hear other's concerns. It's also important to be able to hear the government presentations and there is ample time to ask questions and give responses. They don't intend to fill all their time allocation with presentations, but to listen as well. Noted that ECCC, in line with their requirements required by SARA, have made some suggestions for the plan some comments have been accommodated by the GN and some have not, so it would be good to have time to talk about it.

Parks Canada Agency
Nobody on the line.

World Wildlife Fund
Nobody on the line.

Indigenous and Northern Affairs Canada
Nothing to add.

Next Steps and Closing Remarks

NWMB Chairperson said that it's great we've all been able to get together and talk about this, it's really important and thanked all participants for their input. Asked for any last comments by any Regional Wildlife Boards.

Jason Mikki (QWB) thanked everyone, especially NWMB for providing an opportunity to share their concerns and comments about the public hearing.

The NWMB will send out minutes from the meeting in the near future.

Next steps for the NWMB are to determine availability of hotel space and a conference room for the in-person public hearing in Iqaluit and to look into holding the hearing in November.