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Tammaqtailinahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin  
Conserving wildlife through the application of Inuit Qaujima-jatuqangit and scientific knowledge

Hon. Joe Savikataaq  
Minister of Environment  
Government of Nunavut

**Hon. Catherine McKenna**  
**Minister of Environment**  
**And Climate Change**  
**Canada**

Aluki Kotierk  
President of Nunavut  
Tungavik Inc

**Joe Ashevak**  
Chairperson of the  
Kitikmeot Regional  
Wildlife Board

**James Qillaq**  
Chairperson of the  
Oikigtaaluk Wildlife Board

**Stanley Adjuk**  
Chairperson of the  
Kivalliq Wildlife Board

Chairpersons of the  
Nunavut Hunters and  
Trappers Organizations,  
c/o the Executive Director  
of the Nunavut Inuit  
Wildlife Secretariat

**Daniel Watson**  
**Chief Executive Officer**  
**Parks Canada Agency**

**Jobie Tukkiapik**  
President of Makivik  
Corporation

**David Miller**  
President and CEO  
World Wildlife Fund  
Canada

Dear Colleagues:

**Re: Adjournment of the Public Hearing of the Nunavut Wildlife Management Board concerning the revised *Nunavut Polar Bear Co-Management Plan***

The Nunavut Wildlife Management Board (NWMB or Board) has regretfully decided to indefinitely adjourn its June 6<sup>th</sup> to 8<sup>th</sup> 2017 public hearing regarding the Nunavut Department of Environment's revised *Nunavut Polar Bear Co-Management Plan*. The reason for the adjournment is that the NWMB was informed on May 26<sup>th</sup> and June 1<sup>st</sup> by the Qikiqtaaluk Wildlife Board (QWB), and on June 2<sup>nd</sup> by the Kivalliq Wildlife Board (KWB), that they will not attend the hearing for the reasons provided in their letters attached to this correspondence.<sup>1</sup>

The NWMB regrets that misunderstandings among co-management partners have led to this adjournment decision. The Board apologizes for the resulting inconvenience to hearing parties. Nevertheless, as a practical matter, the NWMB is of the view that the hearing cannot proceed at this time in the absence of two RWOs.

The Board will soon be in further touch regarding next steps.

<sup>1</sup> Accompanying this letter are copies of the May 26<sup>th</sup> and June 1<sup>st</sup> correspondence from QWB, May 30<sup>th</sup> correspondence from the NWMB, and June 2<sup>nd</sup> correspondence from KWB.

Yours sincerely,



Dan Shewchuk  
A/Chairperson of the  
Nunavut Wildlife Management Board

Attachments (4)

c.c. Drikus Gissing, Director of Wildlife, Nunavut Department of Environment;  
Paul Irngaut, Director of Wildlife, Nunavut Tunngavik Inc.;  
Jason Mikki, Executive Director, Qikiqtaaluk Wildlife Board;  
Ema Qaggutaq, Regional Coordinator, Kitikmeot Regional Wildlife Board;  
Qovik Netser, Regional Coordinator, Kivalliq Wildlife Board;  
Adamie Delisle Alaku, Executive Vice President, Makivik Corporation;  
Lisa Pirie, Acting Head of Eastern Arctic, Canadian Wildlife Service,  
Environment and Climate Change Canada;  
Caroline Ladanowski, Director, Wildlife Management and Regulatory Affairs  
Division, Canadian Wildlife Service, Environment and Climate Change Canada;  
Jenna Boon, Nunavut Field Unit Superintendent, Parks Canada Agency; and  
Paul Crowley, Vice-President Arctic, World Wildlife Fund Canada;



**Mr. D. Shewchuck  
A/Chairperson  
Nunavut Wildlife Management Board  
PO Box 1379  
Iqaluit, NU X0A 0H0**

Dear Mr. Shewchuk:

### **Equal and Fair Opportunity for All HTOs to Participate in Public Hearings**

When NWMB is providing financial assistance to RWOs and/or HTOs to attend the hearings, it should be made explicitly clear how much funding will be provided to each RWO and HTO so that if the RWOs and HTOs need to supplement the funding, this can be planned and arranged. Ideally, the financial assistance that NWMB provides should be shared equally between all HTOs and the HTO expenses incurred to participate in meetings should be equivalent from HTO to HTO.



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Kivalliq Wildlife Board | Box 219 Rankin Inlet, NU | X0C 0G0 | t. 867-645-4860 | f. 867-645-4861 | www.niws.ca  
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**Kivalliq Wildlife Board** | Box 219 Rankin Inlet, NU | X0C 0G0 | t. 867-645-4860 | f. 867-645-4861 | www.niws.ca  
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of how many delegates they send. Therefore, NWMB would not allow each of Qikiqtaaluk's 13 HTO representatives to fairly and reasonably make their views known on par with other HTOs.

Annie Tattuinee, Executive Director, Nunavut Inuit Wildlife Secretariat, also supported QWB's position, and spoke about the meaning of fairness and representation as per the spirit of the Agreement

Over the next month, the QWB became dismayed that the NWMB's did not engage us in a timely manner.

The NWMB apparently wants to hear from 12 delegates from 12 communities that have a basic TAH allocation of about 178 polar bears, but from only 6 of 13 communities with a TAH of about 312 bears. Those other 12 delegates will be funded by NWMB, and will be given twice as much time to speak. The QWB cannot accept that as fair. We do not accept that the NWMB has met its own stated criteria for "provision of a reasonable opportunity for affected harvesters to make their views known" in a procedurally fair hearing.

Very few of our HTOs have any funding for travel, and none specifically for attending NWMB Hearings. Similarly, the QWB does not have funding allocated for sending HTO delegates to NWMB Hearings.

In a teleconference today for all members of the QWB, our Board again decided not to participate in the NWMB hearing planned for next week. We gave the reasons for withdrawing from the public hearing in Mr. Kango's letter. We believe that the NWMB attempted to inaccurately reframe our reasons in its written response of May 30, 2017. Mr. Kango's letter stands on its own.

The QWB is willing to discuss a fair in-person public hearing process. If the NWMB becomes interested in reaching a true consensus, I suggest that the current Hearing process be postponed.

Sincerely,



Jason Mikki  
Executive Director

cc. James Qillaq, Chairperson, QWB  
Chairpersons, 13 Qikiqtaaluk HTOs  
Chairpersons, Kivalliq and Kitikmeot RWOs  
Paul Irngaut, NTI  
Annie Tattuinee, NIWS



May 30<sup>th</sup> 2017

**James Qillaq**  
Chairperson of the  
Qikiqtaaluk Wildlife Board

**Dear James:**

**Re: Withdrawal of the Qikiqtaaluk Wildlife Board from the Public Hearing of the Nunavut Wildlife Management Board concerning the revised *Nunavut Polar Bear Co-Management Plan***

## 1. Reasons for withdrawal by the Qikiqtaaluk Wildlife Board from the public hearing process

The Nunavut Wildlife Management Board (NWMB or Board) was dismayed by the May 26<sup>th</sup> letter from Vice-Chairperson Joshua Kango, informing the NWMB that the Qikiqtaaluk Wildlife Board (QWB) Executive Committee has decided to withdraw from the June 6<sup>th</sup> to 8<sup>th</sup> 2017 public hearing concerning the revised *Nunavut Polar Bear Co-Management Plan*.

**In summary, the reasons provided for the withdrawal are the following:**

1. The NWMB's April 13<sup>th</sup> offer to fund travel and accommodation costs for attendance by six Qikiqtani representatives at the hearing violates the spirit – and possibly even the letter – of the *Nunavut Agreement*;
2. In order for the hearing to be fair and valid, the NWMB would have to fund travel and accommodation costs for attendance at the hearing by representatives of all thirteen Hunters and Trappers Organizations from the Qikiqtaaluk Region; and
3. In such circumstances, QWB must stand up for the basic principles of co-management and the spirit of the *Nunavut Agreement*.

In the NWMB's view, QWB has based its decision on an unfortunate misunderstanding of the facts. I am very much hoping that the explanation below will convince you to reconvene a meeting of your Executive Committee to reconsider OWB's May 26<sup>th</sup> decision.

**2. The NWMB has no legal obligation to fund travel and accommodation costs for parties attending an NWMB hearing**

I want to assure you that the Board is under no legal obligation – whether from the *Nunavut Agreement*, other federal or territorial laws, the law made by judges (case law), or any contractual agreement – to fund travel and accommodation costs for parties attending an NWMB hearing. As a result, the NWMB has never received any type of intervenor or participant funding from the federal government.<sup>1</sup>

<sup>1</sup> The NWMB is required by Section 5.7.13 of the *Nunavut Agreement* to provide “adequate funding” for the operation of HTOs and RWOs. However, the reference to “adequate funding” necessarily refers to RWO and HTO funding levels determined by the parties to the *Nunavut Agreement* (or, where those parties cannot reach agreement, by Canada) through



Nevertheless, the Board – following the basic principles of co-management and the spirit of the *Nunavut Agreement* – has consistently attempted to maintain a close working partnership with the Regional Wildlife Organizations (RWOs) and Hunters and Trappers Organizations (HTOs), including with respect to their participation at NWMB hearings.

Indeed, the Board has gone out of its way on a number of occasions over the years to secure funding from its own annual operating budget – funding designated for carrying out NWMB legal responsibilities under Article 5 of the *Nunavut Agreement*, but re-profiled in order to provide financial assistance to RWOs and HTOs. The provision of such funding is not an NWMB obligation; rather, it is a necessarily occasional, voluntary donation intended to ensure stronger RWO and HTO participation in the Nunavut wildlife management system.

By way of example, between 2008 and 2013, the NWMB held a total of one in-person pre-hearing conference and seven public hearings, all of which affected more than one Nunavut Region:

1. For four of the hearings, the Board did not offer any financial assistance to RWOs or HTOs for hearing attendance.<sup>2</sup> No HTO or RWO complained of being treated unfairly.
2. For the other three hearings, the NWMB provided modest financial assistance for hearing attendance.<sup>3</sup> No HTO or RWO complained of being treated unfairly.
3. With respect to the single pre-hearing conference, the Board provided modest financial assistance for attendance.<sup>4</sup> Once again, no HTO or RWO complained of being treated unfairly.

As a result of its consistent experience of no complaints during those six years, the NWMB reasonably understood that QWB had no concerns regarding this occasional, voluntary NWMB practice.

Over the years, the Board has taken additional important steps to help ensure RWO and HTO independence and participation at NWMB public hearings. For instance, the Board advised the Nunavut Implementation Panel - in its December 14<sup>th</sup> 2012 *Funding Proposal and Workplan for the Period from July 9<sup>th</sup> 2013 to July 8<sup>th</sup> 2023* – that the *Nunavut Agreement* parties must ensure adequate funding for RWOs and HTOs to participate at NWMB public hearings.<sup>5</sup>

Since the protection of Qikiqtani Inuit harvesting rights and Nunavut wildlife are necessarily essential QWB wildlife management responsibilities, the NWMB presumes that QWB made a similar recommendation in its own

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implementation funding negotiations for each 10-year implementation planning period. The current planning period covers 2013 to 2023.

<sup>2</sup> No financial assistance: The March 6<sup>th</sup> 2008 Bowhead Whale total allowable harvest public hearing, the September 10<sup>th</sup> 2008 public hearing to list Grizzly Bear as a species of special concern, the February 10<sup>th</sup> 2009 Bowhead Whale total allowable harvest public hearing, and the April 13<sup>th</sup> 2010 public hearing to list Polar Bear as a species of special concern.

<sup>3</sup> Modest financial assistance: The September 11<sup>th</sup> and 12<sup>th</sup> 2012 public hearing to establish basic needs levels for beluga, narwhal and walrus (12 delegates in total, shared between QWB, the Kivalliq Wildlife Board (KWB) and the Kitikmeot Regional Wildlife Board (KRWB)); the July 24<sup>th</sup> to 26<sup>th</sup> 2012 public hearing concerning the *Integrated Fisheries Management Plan for Narwhal*, including accompanying harvesting limitations (12 delegates in total, shared equally between QWB and KWB); and the September 10<sup>th</sup> and 11<sup>th</sup> 2013 Foxe Basin Polar Bear total allowable harvest public hearing (8 delegates in total, shared equally between QWB and KWB).

<sup>4</sup> Modest financial assistance: The December 10<sup>th</sup> 2009 pre-hearing conference to list Polar Bear as a species of special concern (6 delegates in total: 2 for QWB, 2 for KWB and 2 for KRWB).

<sup>5</sup> “...Informed RWO and HTO input into the hearing process – through the development of written and/or oral submissions, and attendance at the hearing – is crucial for informed and fair NWMB decision-making (NLCA S.5.1.2(h), 5.1.3(b)(ii), (iii) and (v), 5.2.26, 5.2.28, 5.2.34(f), 5.7.3(a) and (d), and 5.7.6(a) and (d)).”

2013 to 2023 funding proposal and workplan regarding its funding needs for the current implementation planning period. The Board also presumes that the relatively significant budget increases achieved by the RWOs and HTOs for 2013 to 2023 include a reasonable level of funding for participation at NWMB hearings.

### **3. The NWMB's legal obligation is to hold procedurally fair public hearings**

Among the most important of the Board's wildlife management responsibilities is the holding of procedurally fair public hearings. Procedural fairness includes three crucial elements: proper notice of the hearing, adequate disclosure of the relevant issues and facts, and the provision of a reasonable opportunity for affected harvesters to make their views known (via written submissions and/or the right to attend the hearing as a party). The NWMB has met all of those legal responsibilities with respect to this particular public hearing.

In fact, the Board has taken even more care than usual with the procedures it has followed in preparing for this highly important hearing:

1. The NWMB started with a written hearing in the fall of 2015, to which it properly applied the three crucial elements of procedural fairness;
2. In the course of that hearing, the NWMB decided that the draft *Nunavut Polar Bear Co-Management Plan* required further development; the Board therefore adjourned the hearing to permit the Department of Environment to carefully review the submissions received, and to consider revisions to the original Plan based upon its review;
3. The Department subsequently undertook and completed a number of revisions, and then conducted further consultations with relevant Inuit organizations during October and November of 2016; the result of that process is the revised draft Plan, submitted to the NWMB on February 2<sup>nd</sup> 2017; the Board then held two pre-hearing teleconferences with the hearing parties (February 15<sup>th</sup> and March 30<sup>th</sup>);
4. At the initial teleconference, all parties – including QWB - indicated that they would support whatever hearing format (written or in-person) the Board decided upon; after careful consideration, the NWMB decided that an in-person public hearing was warranted; and
5. During the second teleconference, the parties discussed concerns over the dates and location of the hearing, the length of the hearing, the number of party representatives for whom the NWMB would pay travel and accommodation costs, the proposed agenda, and the timelines for oral submissions and resulting questions and answers; at the end of the teleconference, the Board was careful to ask all of the participants if they had remaining concerns. No concerns or disagreements were expressed by any of the participants, including the QWB representatives.

Within just one week - on April 7<sup>th</sup> - the NWMB issued a summary of the discussions at the pre-hearing teleconference, the final version of the hearing agenda, and a formal hearing invitation letter to the parties. All three documents reflected the consensus reached at the March 30<sup>th</sup> teleconference.

During the following seven weeks, the Board received no questions, concerns or replies to the three April 7<sup>th</sup> documents. At the end of the work day on Friday, May 26<sup>th</sup> – approximately one week before the hearing is to commence – QWB unexpectedly delivered its withdrawal letter to the NWMB.

#### **4. Conclusion**

The NWMB's legal obligation is to provide a reasonable opportunity for affected harvesters and their representative organizations to respond to the *Proposal for Decision* that has been presented to the Board for approval. The NWMB is confident that it has met that legal obligation; in fact, the Board believes it has satisfied a very high standard in meeting all of its procedural fairness obligations to QWB and the other hearing parties. Accordingly, the NWMB met by teleconference on May 29<sup>th</sup>, and unanimously decided to proceed with the hearing as scheduled.

James, it goes without saying that QWB is entitled to not attend the public hearing, and to withdraw its written submission. However, the NWMB believes that QWB's withdrawal from this very important wildlife management process would be an unfortunate and unnecessary loss for all concerned – a loss that could be felt by Qikiqtani harvesters for many years to come. I therefore sincerely ask you, on behalf of the NWMB, to reverse the May 26<sup>th</sup> decision, and to have QWB once again play the thoughtful leadership role it has displayed at so many NWMB hearings over the years.

If you require further information or explanation, the NWMB's Executive Director and Legal Counsel would be happy to meet with you and/or your Executive Committee at a mutually convenient time prior to the commencement of the hearing.

Yours sincerely,



Dan Shewchuk  
A/Chairperson of the  
Nunavut Wildlife Management Board

c.c. Hon. Joe Savikataaq, Nunavut Minister of Environment;  
Hon. Catherine McKenna, Minister of Environment and Climate Change Canada;  
Aluki Kotierk, President of Nunavut Tunngavik Inc.;  
Joe Ashevak, Chairperson of the Kitikmeot Regional Wildlife Board;  
Stanley Adjuk, Chairperson of the Kivalliq Wildlife Board;  
Chairpersons of the Nunavut Hunters and Trappers Organizations,  
c/o the Executive Director, Annie Tattuinee, of the Nunavut Inuit Wildlife Secretariat;  
Daniel Watson, Chief Executive Officer, Parks Canada Agency;  
David Miller, President and CEO, World Wildlife Fund Canada;  
Jobie Tukkiapik, President of Makivik Corporation;  
Drikus Gissing, Director of Wildlife, Nunavut Department of Environment;  
Paul Irrgaut, Director of Wildlife, Nunavut Tunngavik Inc.;  
Jason Mikki, Executive Director, Qikiqtaaluk Wildlife Board;  
Ema Qaggutaq, Regional Coordinator, Kitikmeot Regional Wildlife Board;  
Qovik Netser, Regional Coordinator, Kivalliq Wildlife Board;  
Adamie Delisle Alaku, Executive Vice President, Makivik Corporation;  
Lisa Pirie, Acting Head of Eastern Arctic, Canadian Wildlife Service, Environment and Climate Change Canada;  
Caroline Ladanowski, Director, Wildlife Management and Regulatory Affairs Division, Canadian Wildlife Service, Environment and Climate Change Canada;  
Jenna Boon, Nunavut Field Unit Superintendent, Parks Canada Agency; and  
Paul Crowley, Vice-President Arctic, World Wildlife Fund Canada.



May 26, 2017

**Mr. D. Shewchuk  
A/Chairperson  
Nunavut Wildlife Management Board  
PO Box 1379  
Iqaluit, NU X0A 0H0**

Sent by e-mail to: [tsataa@nwmb.com](mailto:tsataa@nwmb.com)

**Dear Mr. Shewchuk:**

## Public Hearing of the Nunavut Wildlife Management Board concerning the revised Nunavut Polar Bear Co-Management Plan

The QWB Executive met by teleconference today to discuss NWMB's invitation of April 13, 2017 to attend NWMB's in-person public hearing on the revised polar bear plan during June 6-8, 2017. The Executive made the following decisions related to your invitation:

1. The QWB Executive believes that the NWMB's invitation of only 6 Distinguished Elders/Qaujimaniliit and representatives of the Regional Wildlife Organizations (RWOs) and/or Hunters and Trappers Organizations (HTOs) from Qikiqtaaluk region violates the spirit, if not letter, of the Nunavut Agreement. The Agreement does not state that the NWMB may treat any HTO or RWO differently from any other.

**Qikiqtaaluk region has 13 HTOs, all of which should be treated fully and equally during any NWMB hearing in terms of opportunity, expenses and time allocations.**

The NWMB's invitation attempted to put the QWB in the untenable position of selecting at least 7 HTOs that would not be given full and equal opportunities to represent themselves.

**The QWB Executive cannot comply with NWMB's conditional invitation, and has no choice but to decline to select any representatives.**

We do not recognize the proposed Hearing as being fair or valid under the spirit of the Nunavut Agreement.

Therefore, the QWB cannot participate in the public Hearing during June 6-8, 2017.

2. Through this letter, I notify the NWMB that the QWB rejects the revised Nunavut Polar Bear Co-Management Plan. It is unacceptable in its current form.

Further, the QWB officially withdraws its May 19 Written Submission regarding the revised Plan. We do this because we will be unable to discuss and explain fully our Submission, with the support and additional information that could be offered by all our HTOs if a full and fair Hearing was to be convened.

I regret that the QWB had to make these decisions, but we will not participate in the unfair treatment of the HTOs that we represent as the NWMB has asked us to do. We must stand up for basic principles of co-management, and the spirit of the Nunavut Agreement.

We trust that in future, the NWMB will enable the QWB and all its HTOs to represent their members fully, equally and in-person with respect to this Plan, which will be so important to the Inuit across Nunavut and in every community.

Sincerely,

Joshua Kango  
Vice-Chairperson  
Qikiqtaaluk Wildlife Board

cc. 13 Hunters and Trappers Organizations, Qikiqtaaluk region  
James Eetoolook, Vice-President, Nunavut Tunngavik Inc.  
Joe Ashevak, Chairperson, Kitikmeot Regional Wildlife Board  
Stanley Adjuk, Chairperson, Kivalliq Wildlife Board  
Drikkus Gissing, Director of Wildlife, Government of Nunavut