

## ューシィア トレイーヘト・イベ 60Lトペイペ Nunavunmi Anngutighatigut Aulapkaijitkut Katimajiat Nunavut Wildlife Management Board

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May 13th 2009

Honourable Gail Shea Minister of Fisheries and Oceans

Chairperson of the Pangnirtung

Hunters & Trappers Association

Government of Canada

Peterosie Qappik

Honourable Dan Shewchuk Minister of Environment

Government of Nunavut

Manasa Evic

Chairperson of Pangnirtung Fisheries Ltd.

Paul Kaludjak President of Nunavut Tunngavik Incorporated

Jayko Alooloo

Vice-Chairperson of the Qikiqtaaluk Wildlife Board

Eric Kan

Area Director – Eastern Arctic

Department of Fisheries and Oceans

Dear Colleagues:

Re: June 2<sup>nd</sup> 2009 Nunavut Wildlife Management Board public hearing to consider the level of Total Allowable Harvest, the Basic Needs Level and the Surplus for the Char Fishery in Kingnait Fjord

This letter is a reply to correspondence from Mr. Kan, dated May 12<sup>th</sup> 2009 ("Re: Kingnait Fiord Total Allowable Harvest (TAH) Hearing in Pangnirtung June 2, 2009"). In his letter, Mr. Kan indicates that – due to late delivery by the Nunavut Wildlife Management Board (NWMB or Board) - "DFO will not have adequate time to review and consider the legal opinion from Lang Michener [addressing what types of harvests are required to be included in a Basic Needs Level]. As a result, we will not be prepared to participate in a wholesome discussion as it pertains to a Basic Needs Level (BNL) at the Hearing." By way of response, the NWMB agrees to extend the time for delivery of translated written submissions – regarding the Lang Michener opinion only – to no later than 5:00 p.m. on July 14<sup>th</sup> 2009.

This extension does not affect either the holding or the timing of the hearing itself - nor does it affect the Board's invitation to provide other written submissions – duly translated into Inuktitut or English, as the case may be – by no later than 5:00 p.m. on May 27<sup>th</sup> 2009. As previously mentioned, any party may submit arguments and supporting evidence and justification that no TAH, BNL or Surplus is required.

Mr. Kan's letter goes on to request that "...the discussion of the Lang Michener document and other issues relevant to the discussion be deferred until a later date, which would be sufficient for all parties to review the document." The NWMB is not prepared to place limitations on either written or oral submissions at the June 2<sup>nd</sup> hearing, except to require that they be relevant to the purpose of the hearing. That being said, parties are free to respond - in their later submissions regarding the Lang Michener opinion - to any arguments or evidence presented at the hearing regarding that opinion.

If a quantitative harvesting limitation for Kingnait Fjord Char is justified by sufficiently reliable and persuasive evidence, the NWMB will establish a TAH. As set out in Section 5.6.20 of the *Nunavut Land Claims Agreement* (NLCA), the BNL constitutes the first demand on the TAH. In addition, should the TAH be higher than the (adjusted) BNL, a Surplus is automatically established (NLCA Section 5.1.1).

Accordingly, if the Board establishes a TAH, it will be required by necessity to strike a BNL, and may need to make decisions as to the allocation of the Surplus. In making its decision with respect to a TAH, the NWMB will carefully consider the current hearing documents, written submissions delivered by May 27<sup>th</sup>, and oral submissions delivered on June 2<sup>nd</sup>. In making any BNL or Surplus determinations, the Board will consider any hearing documents and submissions that are relevant, including the written submissions regarding the Lang Michener opinion, delivered by July 14<sup>th</sup>.

If you require further information, please do not hesitate to visit the NWMB website or to contact the Board directly.

Yours sincerely,

Harry Flaherty,

A/Chairperson of the

Nunavut Wildlife Management Board

c.c. Richard Connelly, Executive Director of the Nunavut Inuit Wildlife Secretariat, for distribution to all Nunavut Hunters and Trappers Organizations, the Kivalliq Wildlife Board and the Kitikmeot Regional Wildlife Board;

Stefan Romberg, Resource Management Officer, Department of Fisheries and Oceans; Wayne Lynch, Director Fisheries and Sealing, Department of Environment; and Gabriel Nirlungayuk, Director of Wildlife, Nunavut Tunngavik Inc.