

NUNAVUT WILDLIFE MANAGEMENT BOARD

MINUTES: CONFERENCE CALL No. 45

THURSDAY, 04 NOVEMBER 1999

Participants:

Ben Kovic	Chairperson
Kevin McCormick	Member
Moses Koonoo	Member
Joan Scottie	Member
Harry Flaherty	Member
Gordon Koshinsky	Member
David Alagalak	Member
Jim Noble	Executive Director
Michelle Wheatley	Director of Wildlife Management
Gordon Tomlinson	Director of Finance and Administration
Michael d'Eça	NWMB Legal Advisor

Not Available:

Meeka Mike	Member
Makabe Nartok	Member

1. Call to Order

Ben Kovic opened the Conference Call at 11:10 a.m. He thanked the Board Members and staff for standing by to participate in the call.

2. Agenda for the Conference Call

The Board adopted the Agenda as presented by the Executive Director.

3. Expenditure Projection to End of Fiscal Year

Gordon Tomlinson referred the Members to the Variance Report as at 31 October, which included spending projections as estimated by him to the end of 1999/00. Gordon reminded the Members that the annual deadline is once again at hand, as per the funding agreement with DIAND, for the Board to declare its end-of-year

financial forecast. The current projection is for a small end-of-year positive balance. The opportunity now is to declare this projection in anticipation that the funds can and will be rolled over to be accessible to the Board in the remaining years of the present contract period. If a year-end surplus for the current fiscal year is not projected in the Board's forecast at this time but if it does in fact materialize, then DIAND may try to interpret that it has the authority to permanently remove those funds from the purview of the Board.

Gordon led the Members in a line-by-line review of the Variance Report, focussing on the Revised Budget and on the November-through-March spending forecast columns in particular. In the course of doing so, Gordon responded to questions that were raised by Members in respect to particular items. Most of the questions pertained to clarification of what was (or was not) included in particular line items. Spending assumptions and ensuing year-end projections for some of the line items were challenged by Board Members, discussed, and in some cases modified.

In concluding its deliberations the Board decided (**Resolution 2000- 065**) to approve a total NWMB operating expenditure forecast of \$5,507,934 for 1999/00, noting that this reflects a positive year-end variance estimate of \$272,558 relative to the initial budget total of \$5,780,492.

Michael d'Eça reminded the Board of the recent declaration by the Implementation Panel that the Panel claimed a right to reallocate significant variances that might be identified in IPG budgets. Kevin McCormick noted that the Board's projected year-end variance is 4.7% of the initial budget. This is less than the 5% allowance for carryover that is a matter of standard year-end administrative procedure in Federal Government departments. As such, it should not be interpretable as significant.

The Board decided that, in conjunction with transmitting its operating budget forecast as approved, the Board will stress to the Implementation Panel that the positive variance being projected is not a significant percentage of the budget, that it reflects the Board's responsible management practices, and that it represents funds that will be required by the Board to meet its obligations under the NLCA within the current contract period. The positive variance that is projected for this year is not in fact a surplus, but signals instead a slight re-profiling of the Board's operating funds over the planning period. David Alagalak suggested that the Panel be advised that funding by the Board to RWOs and HTOs is under review, and upon conclusion of that review there will likely be a significant additional call on NWMB funds.

4. Re-allocation of Turbot and Shrimp Quotas for 1999 in Davis Strait

Michelle Wheatley reviewed the briefing note that she had prepared in respect to this matter. Michelle reminded the Board of the quota allocations that the Board had earlier approved for harvesting turbot in NAFO Divisions 0A and 0B, and for harvesting pink shrimp inside the NSA. Two of the previously-approved operators

in respect to turbot, and one of the previously-approved operators in respect to shrimp, have requested permission to change their previously declared harvesting plans or to sell their allocations outright. One of the situations pertaining to turbot stems from an apparent inability to come to a satisfactory arrangement with the anticipated receiver (Pangnirtung Fisheries) to process the fish. The other two situations stem from problems that were encountered in the operation of small, locally-owned vessels that had been identified as the platforms for these fisheries.

Michelle noted that the allocations that the Board initially made in all these instances were based in part on those very elements (local processing, use of small locally-owned vessels) that have now gone awry. However in view of the continuing efforts by the Board and others to obtain larger allocations of these resources for Nunavut interests, it is important that the existing allotments be fully used. Similar re-allocations were made in previous years by operators without reference to the NWMB, including by two of the three operators formally requesting changes this year.

Gordon Koshinsky observed that granting the re-allocations being requested would not enhance the developmental optics of these fisheries. Gordon also asked whether the failure to make satisfactory arrangements for landing turbot at the Pangnirtung plant was a genuine constraint. David Alagalak suggested that the Board should consider re-allocating fishery resources that are “turned back” in this way, not necessarily to the destination chosen by the original recipient, but perhaps in consideration of those original proponents whose allocations were less than their actual requests.

The Board decided (**Resolution 2000- 066**) to approve requests from Nunavut Imaq and from Aqviq Marine to transfer their 1999 Davis Strait fishing allocations (being, respectively, 50 metric tonnes of shrimp to be fished inside the NSA, and 30 metric tonnes of turbot to be fished in NAFO Division 0B) to other (larger) vessels; as well as the request from Kabva Marine to sell their allocation of 40 metric tonnes of turbot to be fished in NAFO Division 0B to another company, and that these approvals for transfer or sale of allocations be subject to the proviso that the transfers or sales be made to Nunavut fishing interests already holding current allocations in that particular fishery. The Board also decided:

- To notify these fishing interests that these changes to fishing/landing plans will be taken into account by the Board when evaluating their applications for allocations in these fisheries in future years;
- To notify all fishing interests that they will need to provide evidence of having addressed fishing or landing problems that led to previous allocation transfers when submitting applications for allocations henceforth; and
- To develop a framework for considering such transfer requests in future.

5. Participation at Upcoming Meetings and Other Events

Jim Noble led the Board through the most recent (as at November 5) tabulation of announcements and invitations, with one addition. The following decisions were reached regarding attendance and participation:

- NTI workshop on fostering the training of Inuit for participation in fisheries and wildlife research, November 2 in Iqaluit: Jim Noble to attend.
- DIAND introductory training session on cumulative environmental impacts, November 16-17 in Yellowknife: Send regrets; request input/output materials.
- Canadian Marine Advisory Council regular meeting, November 17-18 in Churchill: Send regrets; agenda not deemed very pertinent to NWMB.
- Beverly / Qamanirjuac Caribou Management Board regular meeting, November 26-28 in Winnipeg: Send regrets; too close to the November Board meeting.
- World Conservation Union and Arctic Council Circumpolar Arctic Workshop, November 28 through December 2 in Montreal: Ben Kovic to attend; Kevin McCormick will also participate.
- West Kitikmeot Slave Study Society workshop on the future of WKSSS, November 30 in Yellowknife: Send regrets.
- Canada / Greenland regular bilateral meeting on fisheries, December 9-10 in Iqaluit: Ben Kovic, Michelle Wheatley and Ray Andrews to attend.
- DFO priority planning workshop for fish and marine mammal research and stock status reporting, December 2-3 in Winnipeg: Michelle Wheatley and David Alagalak to attend.

6. Forthcoming Strategic Planning Workshop

Jim Noble reviewed the state of preparations for this exercise. The plan remains to have the workshop in Iqaluit the weekend prior to the November Board meeting. Ben Kovic will chair the workshop and Michael d'Eça will facilitate. Gordon Koshinsky has agreed to assist Ben and the staff with the detailed preparations. A draft agenda for the workshop will be circulated to Board Members shortly.

Michael d'Eça summarized the purposes of the workshop as currently envisaged, these being to enable Board Members and staff to reflect on the first six years of NMWB operations, to develop and document plans for the remaining three-plus years of the present Planning Period, and to begin to consider challenges and opportunities that will be faced by the NWMB beyond July of 2003. Michael noted that the Board has committed to submitting a Workplan for the remainder of the present Planning Period to the Implementation Panel by March 2000. It is anticipated that the workshop will produce an outline for this Workplan, with the details to be filled in over the ensuing three or four months. It is also anticipated that the workshop will formally begin the process of developing a Strategic Plan extending into the next Planning Period.

7. Final Decision Pertaining to Traditional Polar Bear Hunt

Ben Kovic reviewed the history of this matter, which pertains to a request by Noah Kadlak of Coral Harbour to hunt a polar bear using traditional Inuit methods, with the added consideration that the hunt would be filmed. The matter has culminated in the recent decision by the Minister of DSD, Hon. Peter Kilabuk, to disallow the final decision of the NWMB that would have enabled this hunt to proceed. The Minister cited concerns about public safety as the rationale for his disallowance.

Ben advised the Board that he had opportunity to discuss the matter with the Minister before the disallowance was declared. The Minister had also sought the advice of a respected elder in formulating his decision. The elder apparently saw no potential for the proposed hunt to play a meaningful role in restoring traditional hunting practices, and suggested that such methods were no longer attractive or practical in any event. The identity of this particular elder was not revealed, but Ben noted that the elders at Coral Harbour, where this request originated, had expressed quite a different view.

David Alagalak asked whether the proponent really required formal permission from anyone regarding the manner in which he planned to conduct a hunt. Michael d'Eça explained that the Wildlife Act does restrict the manner in which big game can be hunted, and that it is against the law as it now stands to hunt with a weapon other than a firearm or a bow with prescribed characteristics. The proponent did the proper thing by applying to the NWMB for a change in a non-quota limitation.

Harry Flaherty asked what next steps would have been required if the Minister had allowed the final decision of the NWMB to stand. Michael replied that it would have been necessary for the Department to make a regulatory change to accommodate the decision.

Kevin McCormick noted that the authority of the Minister to do what he did is clear under the NLCA, and asked if any further recourse was available. Michael replied that the option remained for the proponent to seek a judicial review. From the perspective of the Board, two basic options were available. The Board could simply defer to the Minister's negative response, or it could promote a public debate by publicizing its own rationale in support of the hunt. Michael also noted that DSD has signalled its intent to begin consultations on polar bear management very soon, and is further engaged in writing a new *Wildlife Act* for Nunavut. These initiatives might represent opportunities for public input to make way for such a hunt in future.

Michael noted that this is the first time that an NWMB final decision was disallowed. As such, it is an unfortunate precedent-setting event. Michael suggested that it would be useful to establish protocols aimed at forestalling such an occurrence in future. One way might be to have in place a process whereby disallowance of an initial decision triggered an automatic meeting of the Minister and the NWMB Chairperson to try to negotiate a solution prior to the Minister receiving the Board's

final decision. It might also be appropriate to suggest that the Minister establish a "Council of Elders" to provide advice on traditional matters, rather than relying on the advice of any single elder selected on an ad hoc basis in a particular situation.

The Board turned its attention to how best to deal with the public on this matter. Consideration was given to issuing a press release to expound the Board's views, but this course of action was rejected. Gordon Koshinsky urged not giving the impression that the Board per se had any ability to turn the matter around. The Board decided not to take any proactive stance, but rather to equip the Chairperson to respond to questions. Michelle and Michael were charged to prepare material.

8. Other Business

Jim Noble advised that the West Kitikmeot / Slave Study Society (WKSSS) has requested a letter of support in respect to their organization. This probably relates to a desire by the Society to recruit the sponsorship or partnership of the new Nunavut Government. The NWMB shares (as a quarter member) one seat on the Society with the other Nunavut IPGs, but has attended no meetings except the first one. The NWMB has funded some WKSSS research projects.

Kevin McCormick advised that he participated (on behalf of DOE) in WKSSS meetings for awhile, but the IPGs have never been consistently represented at WKSSS meetings. Kevin suggested that it would be very useful to know more about the plans of the Society going forward before indicating any strong endorsement. He also suggested that there might be opportunities for some consolidation of the several organizations promoting studies in this area.

The Board agreed that it would be appropriate to provide a letter of support to the WKSSS, but written with care so as to avoid any appearance of commitments on the part of the NWMB.

9. Adjournment

The Conference Call adjourned at 1:20 p.m.

Minutes Approved by: _____ **Chairperson** _____ **Date** _____

RESOLUTIONS: CONFERENCE CALL 45

Resolution 2000- 065: Resolved that the NWMB approve a revised NWMB operating expenditure forecast in the total amount of \$5,507,934 for 1999/00, noting that this reflects a positive year-end variance estimate of \$272,558 relative to the original budget total of \$5,780,492.

Moved by: David Alagalak
Carried

Seconded by: Kevin McCormick
Date: 04 November 1999

Resolution 2000- 066: Resolved that the NWMB approve the following requests for transfer of 1999 Davis Strait fishing allocations:

- by Nunavut Imaq, to transfer their allotment of 50 metric tonnes (MT) of shrimp allocated to them earlier for harvest inside the NSA, to another (larger) vessel;
- by Aqviq Marine, to transfer their allotment of 30 MT of turbot allocated to them earlier for harvest in NAFO Division 0B, to another (larger) vessel;
- by Kabva Marine, to sell their allotment of 40 MT of turbot allocated to them earlier for harvest in NAFO Division 0B, to another company;

And further that these approvals be subject to the proviso that the transfers or sales of allocations be made to Nunavut fishing interests already holding current allocations in that particular fishery;

And finally that the Board will:

- Notify these (three) fishing interests that these changes to fishing/landing plans will be taken into account by the Board when evaluating their applications for allocations in these fisheries in future years;
- Notify all fishing interests that they will need to provide evidence of having addressed fishing or landing problems that led to previous allocation transfers when submitting applications for allocations henceforth; and
- Develop a framework for considering such transfer requests in future.

Moved by: Harry Flaherty
Carried

Seconded by: Kevin McCormick
Date: 04 November 1999

Minutes drafted by G. Koshinsky (17 November 1999), with the help of notes provided by M. Wheatley.