

NUNAVUT WILDLIFE MANAGEMENT BOARD

MINUTES - SPECIAL MEETING No. 2

3 AND 5 OCTOBER , 1995
CAPITAL HILL HOTEL , TUPPER ROOM
OTTAWA, ONTARIO

Members and Staff

Ben Kovic	Chairperson
Joannie Ikkidluak	Member
David Igutsaq	Member
Marius Tungilik	Member
Gordon Koshinsky	Member
Malachi Arreak	Member
Jim Noble	Executive Director
Dan Pike	Director, Wildlife
Keith Hay	Biologist, Bowhead Knowledge Study
Isabel Simpson	Secretary
Mary Nashook	Interpreter
Muati Qitsualik	Interpreter

Absent

DIAND	Appointee
KIA	Appointee
Kevin McCormick	Member (with cause)

Guests and other participants

Sandy Lewis	NWMB Consultant
Michael d'Eça	NWMB Legal Advisor
Kevin Lloyd	DRR Yellowknife
Don Vincent	DRR Yellowknife
John Stevenson	DRR Iqaluit
Bruce Ashley	DRR Iqaluit
Roger Peet	DFO Iqaluit
Robert Moshenko	DFO Winnipeg
Brian Wong	DFO Ottawa
Lois Leslie	NTI Legal Advisor, Ottawa
Martin Labreque	TAL Investments

1. Call To Order and Opening Prayer

The Chairman convened the meeting at 9:10 A.M. Joannie Ikkidluak led the opening prayer. The Chairman welcomed the Board members and guests to the eighth meeting of the Board.

2. Review/Approval Of Agenda

The agenda was approved as presented. **(Resolution 96-039)**

3. Approval of Minutes

3.1 August 1-3, 1995 - Pond Inlet - Approved with noted amendments.
(Resolution 96-040)

**3.2 Conference Calls: October 3/94, October 19/94, December 21/94
July 18/95 and August 9/95** - Approved

(Gordon Koshinsky noted that these conference call minutes were catch-up minutes, some topic were very sensitive and required careful consideration.)

(Resolution 96-041)

4. Financial Report

4.1. Financial Report - 30 August 1995

Jim Noble presented the financial report and explained the following:

- a) TAL investment accounting (as per Kevin McCormick's previous questions)
- b) FDDIPI (as per Malachi Arreak's previous concerns)

Gordon Koshinsky asked Jim Noble to prepare a 1 page briefing note for the Board on this issue. Discussion followed on the requirement to provide the RWOs and HTOs with the FDDIPI adjustment. Jim Noble suggested that the Board may wish to consider reimbursing the RWOs/HTOs for the cost of computers purchased by the Board. Gordon Koshinsky and Marius Tungilik would like to see more options identified for using the Board's surplus funds. Gordon Koshinsky noted that the Harvest Study will require more funding than is provided via the Implementation Contract. The Board agreed that the Executive Director should arrange for payment of the FDDIPI to the RWOs and HTOs.

(Resolution 96-042)

Gordon further requested Jim to flag any serious budget matters. Jim identified salary underexpenditures as a concern, due to delayed hiring of the Director of

Finance and Administration and the three Regional Resource Officers. The Board approved the financial report as presented. **(Resolution 96-043)**

5. Incoming/Outgoing Mail

The Board was advised that the mail log was in the binder and that all incoming and outgoing mail was available for review.

6. Members' Regional Concerns

Ben Kovic noted that some Regional Organizations and Government Departments are complaining about not getting feedback from their NWMB appointees. He suggested that Board members should report back to their appointers. Joannie Ikkidluak requested that members be provided with a summary of Board decisions for distribution to the Regions. It was suggested that Minutes need to better reflect the concerns brought forward by the members. Marius Tungilik suggested that the Minutes should be reviewed more thoroughly by members, and that they should be more complete and up-to-date. Gordon Koshinsky suggested that each member is responsible to ensure that their comments and concerns are recorded. Gordon further suggested that there may be a need for meeting summaries soon after each meeting. A briefing note format could be considered for these summaries. Malachi Arreak suggested that appointing bodies are also responsible for requesting information and for circulation of information that they are provided. It was also noted that some comments are better left unrecorded in the Minutes. David Igutsaq noted that it is difficult to communicate with some communities, as not all have radio stations. David suggested that funding may need to be allocated to ensure communication. Ben Kovic questioned whether the appointing agencies should be the ones to find funds to ensure that information gets to the communities, e.g. by providing for Board member's travel to communities. David Igutsaq suggested the NWMB should be budgeting for these consultations. Malachi Arreak suggested that to enable members to provide a quarterly report to RWOs, travel costs should be borne by the appointing agencies. Ben Kovic noted that his attempts to arrange phone-in programs, etc. with local radio and TV agencies has been spurned. David Igutsaq voiced concern about not having a budget for travel to attend KIA Board meetings.

7. Meeting With Sandy Lewis:

7.A NWMB/DFO Workshop Pre-review

Sandy Lewis noted his experience is that it is very difficult to make the Arctic a priority within DFO. He further noted that it is doubly difficult to break into the Atlantic priority from an Arctic perspective. However he believes that DFO is genuinely interested in developing a workable relationship with NWMB.

The Department of Fisheries and Oceans is prepared to listen. The object of tomorrow's workshop is to focus on Atlantic fishery aspects. Sandy briefly reviewed the points he had provided to the Board in preparation:

a) FRCC: Reports directly to the Minister and deals with conservation. Don Vincent is the interface for NWT. In April 1999, Nunavut Government will take over the GNWT seat.

The FRCC has 6 subcommittees:

1. Stock assessment
2. Historical perspective
3. Environment
4. Communications
5. Management and Regulations
6. Gear Technology

Gordon Koshinsky noted that NWMB has its own jurisdiction and mandate. We want to be careful about simply clambering for representation (e.g. on FRCC) which may just dilute or cloud our own access (to the Minister) or jurisdiction. Malachi Arreak referred to appropriate sections of the Nunavut Final Act.

b) Atlantic Groundfish Plan

This is pretty well the annual comprehensive bible. It was noted that Inuit of Nunavut have no groundfish licenses. This tends to make DFO think there is nothing to worry about. Their preoccupation is to reduce licenses, but the principle of adjacency points to a window for (new) Inuit licenses.

c) Atlantic Licence Review Policy

Maybe the GNWT should buy(back) some licenses for the Northwest Territories.

d) Northern Shrimp Advisory Committee

It is not clear how DFO comes up with the allocations. Proposed allocations should be discussed with the NWMB. There seems to be no regular approach to these meetings. The Baffin Regional Director for GNWT has (traditionally) gone to the meetings on behalf of the GNWT (November).

e) Federal Provincial Atlantic Fisheries Committee (FPAFC)

The DFO Minister has invited NWMB participation; this has not been taken up thus far. NWMB's future influence in the Atlantic fishery is at stake. The Board should participate in the Working Group(s) (only one is active at present). Don Vincent is the GNWT representative, this will revert to Nunavut in 1999.

Malachi Arreak mentioned that it is not necessary to have an actual Board member to achieve NWMB representation (on these various fora).

f) Internationally - Shared Stocks and Agreements

e.g. NAMMCO; Canada-Greenland Joint Commission on Narwhal and Beluga. Michael d'Eça noted that NWMB has a major jurisdiction in NSA but doesn't have a big window in NFA for international matters.

g) Oceans Act (Proposed)

This Act was tabled by Minister Brian Tobin in June in the House of Commons. The second reading is expected tonight. The Bill will then be presented to the Standing Committee On Fisheries and Oceans for review. The Standing Committee will listen to briefs and representations. The Board should keep close track of this process and may consider making its views known to the Standing Committee. Reference: Article 15 in particular (of NFA).

7 B. Basic Needs Level: Beluga, Narwhal, Walrus

Sandy Lewis noted that under Article 5.6.25 of the NFA, the Board is required to establish Basic Needs Levels for Beluga, Narwhal and Walrus. He also noted that an extension had been requested to January 1, 1996. He went on to introduced the concepts of:

- Being conservative in establishing Basic Needs Levels.
- using average of the lowest 5 years of harvest.

Malachi Arreak noted that the Basic Needs Level concept was born (during negotiations) of a desire to make provision for basic food. Michael d'Eça thinks the Board can set Basic Needs Levels either by community or by Region. Malachi Arreak informed the Board of the need to take into account the needs of Quebec Inuit (Walrus, Beluga: Referencing Article 40) and suggested establishment of a Working Group. Gordon Koshinsky suggested that NWMB staff should now take over this initiative from Sandy Lewis. The Board should determine immediately/concurrently what the adjusted Basic Needs Levels will be. Joannie Ikkidluak mentioned that some hunters sell their muktuk to other communities. It will be hard to get all hunters on side. Dan Pike questioned if there are any other practicable uses (aside from domestic consumption) for these three species: presumably yes for walrus and probably no for beluga and narwhal. Michael d'Eça mentioned that a Basic Needs Level could be assigned to, e.g. a sports hunt (5.7.3c/5.7.6a) but other uses such as sport hunt are also provided for under allocation of surplus (5.6.31-5.6.40). Dan Pike mentioned that species/stocks migrate across community/regional boundaries. Communities/regions cannot realistically set TAH, etc. for such stocks. David Igutsaq noted that species distributions may change. He further noted that because Pelly Bay (for example) has not harvested narwhals recently does not mean that they can never expect to

have the opportunity at some point. There should be a Basic Needs Level to accommodate such eventualities.

Michael d'Eça suggested that any Board decision under Part 6 (Harvesting) needs the approval of the Minister. This would presumably also apply to adjusting Basic Needs Levels. A counter view may be that the Minister would only be involved if there is a conservation concern. Further discussion on this topic was deferred to later in the meeting.

05 October 1995

8. TAL Investment Presentation - Martin Labreque

Mr. Labreque advised that the Wildlife Research Trust Fund has been invested since February 28, 1995. The returns have been quite good. The NWMB investment is through one of TAL's pool funds, which is invested entirely in Canadian short bonds. He noted that the investment policy established by the Board was to be conservative. Martin commented on the advisability of investing in foreign bonds: this would be one way to diversify. He felt that the Quebec separation issue was waning and that the Canadian investment outlook was improving. Martin advised the Board that they could request TAL to shift the investment focus to some other mix (change the investment policy). TAL wouldn't be adverse to moving somewhat towards Canadian equities, but not into speculative investments. There was lack of clarity on what specific deposits constituted the Board's current balance in the TAL account.

9. Meeting With NTI Legal Advisor - Lois Leslie

Lois Leslie discussed the designation process (whereby NTI designates organizations to undertake particular functions under the NFA). There is a special Board meeting of NTI in November to discuss designation. Lois noted that designation of the three RWOs to do the Harvest Study, were approved in August. Jim Noble mentioned a concern that the RWOs and RIAs may be competing for particular designations. Lois mentioned that consultations between the two groups have been assumed (by NTI); perhaps wrongly. Lois agreed to look into this matter. "Rights Of First Refusal" in Article 5 generally assumes that RWOs (RIAs?) have the first opportunity for designation. Lois noted the need to identify what areas RWOs want to take on for designation. Gordon Koshinsky questioned whether a designee can assign or sub-contract a designation. Lois responded in the affirmative, but noted that the NWMB is not an Inuit Organization (it is a institution of public government) and could not be designated. It was also noted that NTI can revoke designations.

Lois noted that Beneficiary Cards (for identification) are being promoted by Raymond Ningeocheak. ITC has also been trying to catalogue beneficiaries. This issue is to be discussed at an October meeting of NTI.

Discussion followed on the proposed Wildlife Coordinator position for NTI. Ben Kovic noted that there could be a role for this position but it was most important that this position not interfere with NWMB jurisdiction. Marius Tungilik suggested that the Board requires a strategic plan, including a clear definition of roles. Marius suggested that the Board arrange a planning session and invite other participants.

Lois Leslie advised that the Implementation Panel was waiting to hear from the NWMB on the matter of honoraria rates for Board members. She noted that the Panel was not involved when the rates were initially set. Jim Noble noted that this letter had not been sent yet. There was some concern about the Board having made their Chairman's position full-time. Lois advised that this idea seems to be accepted by DIAND, in the sense that this position becomes the Chief Executive Officer. Gordon Koshinsky suggested that Ben Kovic's job description should be constructed accordingly.

Jim Noble questioned whether surplus operating funds could be used to augment the Harvest Study budget. Lois Leslie noted that the Implementation Panel has the authority to move dollars, in any year, between Boards (including the Transition Teams). She suggested that the NWMB has the right to request access to its own funds, for transfer to a legitimate project. Jim Noble affirmed the need for adequate funds for the Harvest Study. The Board passed a Resolution to request transfer of surplus funds to accommodate the Harvest Study's projected shortfall. **(Resolution 96-044)**

10. Recap Of DFO Workshop - Sandy Lewis

Sandy Lewis suggested that the Board be realistic and not get overloaded with attending all manner of meetings pertaining to the Atlantic fishery. Staff and possibly consultants can assist with this work. He also suggested that the Board should consider meeting with Makivik on this issue; probably at a staff level. The last suggestion was that the Board consider another DFO workshop on non-Atlantic fisheries matters. It was agreed that Gordon Koshinsky would draft a letter to DFO (Minister) in respect to yesterday's workshop. It was important to emphasize that it is incumbent on the old-line governmental bureaucracy to adapt itself to the new NFA reality, not vice-versa.

11. Basic Needs Level Review - Sandy Lewis

Michael d'Eça tabled his memo of October 5, 1995 regarding Basic Needs Level. Gordon Koshinsky considered it inconceivable that when 5.6.25 was negotiated that DFO believed TAHs were feasible for all situations and that NTI believed TAHs

were desirable for all situations. Gordon further suggested that perhaps the Board should just set BNLs for situations where TAHs (quotas) already exist. Lois Leslie suggested it was probably best to get an interpretation from the two negotiating parties. Lois reported that the original request for extension had not been actioned yet.

Michael d'Eça suggested that the Board ask for an (other) extension concurrently with asking for interpretation of this section. Gordon stated the Board cannot realistically identify a rational extension time frame, i.e. how long would it really take to establish TAHs everywhere if that is indeed required. The Board discussed the need for a definition of BNL: does it include provision for commercial harvest?

12. Legal Advisor's Reports - Michael d'Eça

12. A. Wildlife Research Trust

Michael d'Eça reported that he had approached the drafters to do another draft of the Wildlife Research Trust deed. Michael reviewed the re-draft and noted that there is no provision (yet) to execute a proxy. The drafters feel this duty is too onerous to be delegated. Michael thinks there would be room for special and tightly-directed proxies for very particular matters. Michael noted that guidelines for management of the Trust need to be drafted. The Board agreed that the final signing of the Trust will occur in/at the Rankin Inlet meeting. The issue of a "Code of Conduct For Trustees" was discussed. It was noted that the "Code of Conduct" for the Board is much stronger than proposed wording for the Trustees. The Board members agreed that they should adopt the "NWMB Code of Conduct" for the Wildlife Research Trust.

Resolution 96-045

12.B Assignment of Hunting Rights

Michael d'Eça advised that he had circulated a memo on Assignment, July 28/95. He has had no response to date from NTI (Mary Chronkovich). Assignment is a significant right, attached to the actual right to harvest, governed by the HTOs. This issue will be open to disputes and litigation's if good guidelines are not carefully established. If a woman assigns her hunting rights, she's lost it for a year. The HTO has a "supervisory role" over a person's assignment right. The NWMB must however guard against the possibility of flippant exercise of this role. Malachi Arreak noted that the annual provision was put in to permit recovery in the event of a marriage split. The Board agreed that Michael should circulate his letter regarding assignment to various interested groups.

12.C RWO/HTO Procedures Manual

Michael d'Eça has approximately half of a first draft of the RWO/HTO Procedures Manual completed. Michael expects to be able to use NWMB materials as a solid guide to the remainder. Many procedures (in respect to powers and duties) still have to be worked out (e.g. Assignment). Michael suggested that a workshop may be required to finalize these procedures. Jim Noble mentioned that there are still NTI implementation funds (earmarked for getting RWOs/HTOs operational) that could be considered for such a workshop.

12.D DIO Designation

Michael d'Eça advised that he had presented the request for RWO/Harvest Study designation to the NTI Board. Michael noted that the NTI Board was complementary about the NWMB. Jim Noble noted that NTI had also complemented Michael on his presentation on this matter.

12.E Public Hearings

Michael advised that it is important for the Board to develop guidelines and procedures for holding public hearings.

12.F Insurance/Directors/Officers/Liability

The Board's Insurance Brokers have provided a quotation on several options for coverage. The options are not in plain language and require clarification. The Board agreed that Michael d'Eça should seek clarification of the options for insurance. Gordon Koshinsky questioned whether the trusteeship of Board members would have implications in the matter of insurance. Michael responded in the affirmative, and suggested that the Board will need separate coverage for the Trust. The Chairman thanked Mr. d'Eça for his excellent work and fast turnaround on this item.

13. Chairman and Executive Director Reports

13. A Upcoming Events

- It was noted that Dan Pike is the most traveled staff member.
- Ben Kovic is to attend the ITC meeting in Cambridge Bay.
- Dan Pike will be taking over as Chairman of the Harvest Study Steering Committee, Gordon will continue to participate.
- There is a Co-management/TEK Workshop in Inuvik the week of November 19/95. Most Board members/staff agreed to attend this workshop.

- A bowhead meeting is planned for Winnipeg, October 31/95 Dan and Malachi to attend.

13.B Next Board Meeting

The Chairman advised that the next meeting is scheduled for November 13-17/1995 in Rankin Inlet (not in Chesterfield Inlet as originally proposed).

13.C Future Workshops

- Ben Kovic is to arrange a workshop with the RWOs and HTOs.
- There was discussion regarding a NWMB strategic planning workshop sometime in February 1996.

13.D Outstanding Items

Jim Noble spearheaded Resolutions on three outstanding action items:

1. The Board agreed to provide Pauktutit with \$15,000 to assist with conducting a workshop on "Assignment of Rights". **(Resolution 96-046)**
2. The Board agreed to authorize the Executive Director to negotiate a salary and benefit package with Mr. P. Chartrand for the position of Director of Finance and Administration. **(Resolution 96-047)**
3. The Board agreed to hire Mr. D. Pike for the position of Director of Wildlife Management. **(Resolution 96-048)**

13.E Other Matters Outstanding

13. E.1 Guidelines for Donations:

The Finance Committee was charged to develop draft guidelines for the November meeting. The guidelines need to incorporate a definition of "donation".

13.E.2. Cost-of-Living Allowances for Staff

The Executive Director was asked to implement item 6.14(a) of the NWMB Procedures Manual.

14. Meeting Adjourned (Resolution 96-049)

Minutes Approved By: _____
Chairperson

Date: _____