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Department of Environment

Ministère de l'Environnement

Jim Noble
Chief Operating Officer
Nunavut Wildlife Management Board

November 14, 2006

Jim:

RE: Session 3 of Special meeting # 12

As per the discussions and emails this past week concerning the outstanding issues for the 3rd of Special Meeting # 12 tentatively scheduled to take place during the week of December 11, 2006, I can confirm the following:

- 1) The revised muskoxen package, along with the data, reports, and information on which the recommendations are based, is undergoing a final edit today. I will send this along to you in English as soon as possible (likely today). We will have this translated as soon as the translators can manage it. There are changes from the original package, but for the most part the changes that HTOs and delegates at session #1 viewed as positive have not changed. We are prepared to present this material during session #3.
- 2) There are a number of provisions for which we had included 5.6.51 as part of the justification, and this was disputed on process and content grounds. I can confirm that we do not concede the legal argument. 5.6.51 is a valid provision of the NLCA that we cannot ignore, and can be relied upon as a basis for continuing existing restrictions. In the event a present restriction is proposed to continue, we do not have to provide a justification for this, and the NWMB does not have to make a decision. However, from a process and practical point of view, we recognize that the Board will find it useful to have the GN describe the existing limitation, the justification for it, and how it fits into the management system. We therefore remain prepared to present this material during session #3.
- 3) I understand that it has been suggested to remove the Repealed Regulations from the agenda for session #3. I can confirm that we see no reason to delay the NWMB review of these, and it is our expectation that they will be dealt with in the December meeting as planned. These form part of the overall package, and the NWMB can decide whether to accept the repeal package as presented, after making its other decisions on the new NQLs and TAHs. The Minister will then have an opportunity to see if all the decisions of the NWMB provide a consistent and comprehensive wildlife management regime.

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- 4) here were a number of items in the prescribed matters regulations that we stated were not NQLs, and therefore we did not provide a justification for them. NWMBs legal counsel, and I believe the NWMB itself, disagreed with our position. I can confirm that taking the NWMB staff and board comments into consideration, we have again reviewed these items and for some are now in agreement that they are in fact NQLs. We will be preparing a list of the provisions, indicating those which we feel are NQLs, and providing a justification for them. I expect to be able to provide this to you in English by the end of the day November 15, and in Inuktitut as soon as possible thereafter. We recommend that these be added to the agenda for session #3.
- 5) There are several items from Session #1 that were discussed at the NWMB October 26 decision making meeting, but were deferred for various reasons, and some of these appear to require actions from the GN or all parties to move forward. The items, our understanding of the issues surrounding them, and our suggested course of action, are listed below:
 - a. Provision 12, Sections 8(3)(a) and 8(4) of the harvesting regulations was deferred to a later meeting, as it is linked to the contentious issue of "traditional" harvesting methods discussed in Session #2. Our recommendation is that this be discussed at session #3.
 - b. Provision 14, Section 10(1) of the harvesting regulations was deferred to a later meeting as there were concerns about being in conflict with the NLCA. We recommend that counsel meet prior to the start of session #3 to discuss this, and that it be added to the agenda
 - c. Sections 1, 2, and 4 of the game harvesting and possession limits order were deferred as there were concerns about being in conflict with the NLCA. We recommend that counsel meet prior to the start of session #3 to discuss this, and that it be added to the agenda.
 - d. Provision # 26, Section 5 of the prescribed matters regulations, was deferred as there was a suggested improvement that could be made. The GN proposes to draft a revised version and provide this to you prior to session #3, and we recommend that it be added to the agenda.

I of course recognize that it is up to the NWMB to determine what items are on the agenda, and I also recognize that there is not a lot of time between now and the meeting. However, most of the issues are not complicated, and there is sufficient time for them to be prepared, reviewed, and translated. It is our preference that all of the outstanding material be reviewed at session #3, and that the NWMB proceed to make its decisions for the Ministers consideration.

Sincerely,

Stephen Pinksen

cc. Glenn Williams, NTI