



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Area
P.O. Box 358
Iqaluit, NU X0A 0H0
Phone: (867) 979-8000
Fax : (867) 979-8039

Secteur de l'Arctique de l'est
Boîte postale 358
Iqaluit, NU X0A 0H0
Tél: (867) 979-8000
Télécopieur: (867) 979-8039

ᐃᓴᑦᐃᓴᐅᓄᓄ ᐅᓄᓄᓄᓄᓄᓄᓄᓄᓄ
ᐅᐅᓄᓄᓄᓄᓄᓄᓄᓄᓄᓄ 358
ᐃᓴᑦᐃᓄᓄᓄ, ᓄᐅᓄᓄᓄᓄ X0A 0H0
ᐃᓴᓄᓄᓄᓄᓄ: (867) 979-8000
ᓄᓄᓄᓄᓄᓄᓄᓄᓄ: (867) 979-8039

May 12, 2009

Harry Flaherty
Nunavut Wildlife Management Board
Iqaluit, Nunavut
X0A 0H0

**RE: Kingnait Fiord Total Allowable Harvest (TAH) Hearing in Pangnirtung
June 2, 2009**

Dear Mr. Flaherty,

On May 1, 2009, Fisheries & Oceans Canada (DFO) received your letter advising us that an additional document, dated April 29, 2009, which is a legal opinion from Lang Michener LLP, will be included as part of the hearing documents for the Kingnait Fiord Char Fishery Public Hearing in Pangnirtung on June 2, 2009.

However, given that we have just received this document, DFO will not have adequate time to review and consider the legal opinion from Lang Michener. 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. At this time, DFO is prepared to participate in the Hearing to present an overview on the stock status and provide advice on sustainable harvest levels.

DFO is strongly of the opinion that the definition of BNL requires serious consideration. We are requesting 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.

Additionally, on May 5, 2009, DFO received a copy of the correspondence from the Nunavut Tunngavik Inc. (NTI) requesting that the Board considers changing the June 02 Public Hearing to be a Pre-Hearing Conference. DFO is not prepared to participate in a Pre-Hearing to discuss the items put forward in NTI's letter due to the insufficient notice of the suggestion. DFO has not had sufficient time to prepare for discussion on the latest Public Hearing documents from Lang Michener nor the NTI proposed discussion topics for the Pre-Hearing.

Yours sincerely,



Eric Kan
Area Director - Eastern Arctic
Department of Fisheries and Oceans

Cc: Honorable Dan Shewchuk, Minister of Environment, Government of Nunavut;
Paul Kaludjak, President of Nunavut Tunngavik Incorporated;
Peterrosie Qappik, Chairperson of the Pangnirtung Hunters & Trappers Association;
Manasa Evie, Chairperson of Pangnirtung Fisheries Ltd.;
Jayko Aooloo, Vice-Chairperson of the Qikiqtaaluk Wildlife Board.