

additional relevant information that the NWMB considers to constitute best available information.

Although the NWMB has received various documents and presentations from Environment Canada staff, it has not yet been provided a complete “*best available information*” package for each species, containing all of the above-named documents in English and Inuktitut. Pursuant to clause 3.10 of the MOU, the NWMB can not commence its public consideration process until it has received all of the best available information documents from Environment Canada, and placed them on its Meeting Registry.

As you will read below, the NWMB is about to commence its public consideration process for all five species. In the case of the four bird species, the Board is planning to issue a public notice, shortly after November 20th 2009, announcing written hearings for each of those species. With respect to Polar Bear, the NWMB is planning to issue a public notice, shortly after its December 10th 2009 pre-hearing consultation, announcing a three-day oral hearing early in 2010.

Since receiving the written notice from the Director General, NWMB staff have been in contact with their counterparts in Environment Canada regarding timely delivery of the “*best available information*” packages. Arrangements are now in place for delivery of the complete, translated packages for all of the bird species and for Polar Bear, by no later than November 9th 2009. Following receipt of those packages, the Board plans to have all of the documents placed on its website by November 13th 2009, ready for download by hearing parties and the public. Unfortunately, any delay in the delivery of such packages may cause a resulting delay in the schedule for the NWMB public consideration process.

Short-eared Owl, Peregrine Falcon and Red Knot

With respect to the listing process for Short-eared Owl, Peregrine Falcon and the two Red Knot sub-species: Subject to the timely receipt of relevant “*best available information*” packages, the Board anticipates no difficulty in delivering all four decisions to you within the time frame requested by the Director General. This is because the NWMB is of the view that an abridged listing process for all four species would be fair and efficient, and would meet the requirements of the *Nunavut Land Claims Agreement* (NLCA) and SARA (clause 2.2 of the MOU). The abridgement would consist of replacing the harmonized standard listing process in Part 3.0 of the MOU – consisting of, among other steps, the filing of written submissions followed by an oral hearing – with a written hearing only.

The NWMB has prepared letters - under separate cover, dated November 10th 2009 - to you, the Nunavut Environment Minister, the President of Nunavut Tunngavik Inc., the Chairpersons of the three Nunavut Regional Wildlife Organizations, and the Chairpersons of all affected Hunters and Trappers Organizations, announcing its intention to hold written hearings for the four species, and requesting that any objections to proceeding in

this manner be delivered in writing with reasons by no later than 5:00 p.m. (Iqaluit time) on November 20th 2009.

Should you disagree with the NWMB's proposed abridged listing process, then – pursuant to clause 2.2 of the MOU – the Board will follow the harmonized standard listing process. In addition, if any of the other hearing parties contacted by the Board should raise one or more objections that convince the NWMB of the need to follow the harmonized standard listing process, the Board will do so.

If the Board is required, or otherwise decides, to follow the harmonized standard listing process, the delivery of all four decisions to you by February 28th 2010 will be difficult to achieve. While the NWMB will continue to endeavor to meet that timeline, the challenge will be substantial, considering the relatively large number of simultaneous listing decision requests received from the Director General, the delay in receiving complete, translated “*best available information*” packages, the length of time and amount of Board member and staff effort that the harmonized standard listing process requires, as well as all of the NWMB's other wildlife management responsibilities needing attention over the next several months.

In the unlikely event that the NWMB decides or is otherwise required to proceed with the harmonized standard listing process, the Board will re-contact you - in as timely a manner as possible - regarding a revised, mutually-acceptable date for delivery of its four decisions.

Polar Bear

As you are aware, Polar Bear is a species of tremendous economic, social and cultural interest to Inuit. Accordingly, the NWMB is devoting substantial time and attention to its consideration of the listing of Polar Bear as a species that may become threatened or endangered in the future because of a combination of biological characteristics and identified threats. In fact, the amount of time and attention required has led the Board to the conclusion that the MOU's harmonized standard listing process needs to be extended in this particular case.

As a first step in that extended listing process, the NWMB has prepared a letter - under separate cover, dated November 10th 2009 - to you, the Nunavut Environment Minister, the President of Nunavut Tunngavik Inc. and the Chairpersons of the three Nunavut Regional Wildlife Organizations, announcing that the Board has scheduled a pre-hearing conference, as a prelude to holding a public hearing to consider the proposed legal listing of Polar Bear as a species of special concern in the Nunavut Settlement Area. The pre-hearing conference will take place in Iqaluit on December 10th 2009, from 9:00 a.m. to 5:00 p.m.

Subject to the timely receipt of a relevant “*best available information*” package, the NWMB would like to follow that conference with a public hearing in Iqaluit from April

13th to 15th 2010. The Board would then hold a decision-making meeting in conjunction with its June quarterly meeting, and would forward its decision to you by no later than July 4th 2010.

The above-proposed schedule results in a delay of slightly more than four months in the delivery of the NWMB's decision to you. Clause 2.3 of the MOU requires either that the parties agree on a fair and efficient extended listing process, or – if such agreement proves unachievable – that an additional three months be added to the harmonized standard listing process. Accordingly, the NWMB is requesting that you agree to the extended listing process set out above. If you are unable to do so, the Board requests that you provide reasons and recommend an alternate fair and efficient process, by no later than December 8th 2009 (two days preceding the pre-hearing conference).

In the unfortunate event that we are not able to agree on an extended listing process, the NWMB will make necessary arrangements to meet after the oral hearing, make its decision, and deliver that decision to you before June 1st 2010 - that is, no later than three months beyond the originally requested date of February 28th 2010.

The Board looks forward to receiving the requested “*best available information*” packages, as well as your responses to its proposed abridged listing process for the four bird species, and to its proposed extended listing process for Polar Bear. In the meantime, if you or your officials have any concerns or require further information, please do not hesitate to contact the NWMB at your convenience.

Yours sincerely,



Harry Flaherty, Acting Chairperson of
the Nunavut Wildlife Management Board

c.c. Hon. Gail Shea, Minister of Fisheries and Oceans, Government of Canada;
Virginia Potter, Director General, Environment Canada, Canadian Wildlife Service;
and
Siu-Ling Han, Head of Eastern Arctic, Environment Canada, Canadian Wildlife
Service