



VIA EMAIL

May 26, 2014

Jim Noble,
Chief Operating Officer
Nunavut Wildlife Management Board
P.O. Box 1379
Iqaluit, Nunavut X0A 0H0

Re: Government of Nunavut request for adjournment of the BNL portion of the June 3-4, 2014 session of the public hearing re Southampton Island caribou

Nunavut Tunngavik Incorporated (NTI) confirms its receipt of a copy of the Government of Nunavut's (GN's) May 23, 2014 letter asking the Nunavut Wildlife Management Board (NWMB or Board) to adjourn the Basic Needs Level (BNL) portion of the above-captioned hearing for two to three months.

NTI wishes to present the following views and recommendations for the Board's consideration in addressing the GN's request.

The GN's request for additional time for the GN to provide material evidence supporting the GN's March 31 2014 BNL arguments is made a full two years after the NWMB asked the GN to present its arguments to the Board on this issue, and more than five months after the Board adjourned rather than closing this public hearing solely in order for the GN to provide its BNL arguments and evidence.

As stated in NTI's May 2 Reply, all of the evidence that NTI relies on regarding disputed facts or disputed sufficiency of evidence relating to the BNL issue is provided in NTI's Reply and identified by its sources – an April 15 2014 telephone interview of Richard Connelly, former GN Economic Development Adviser, and a 2009 published article by Mason, Dana, and Anderson, cited in the Reply.

Accordingly, there is no merit to the GN's contentions that an adjournment is necessary for the sake of procedural fairness or to enable NTI to provide further evidence regarding the BNL issue.

Despite the lack of merit in the GN's request, and drawing on the procedural proposal that the GN made in its May 21 letter to the Board, NTI is prepared to support a process that ensures early reduction of the Total Allowable Harvest (TAH) and concurrent setting of the BNL in accordance with the NLCA, and also provides the GN with the further time requested in order to present its evidence.

NTI recommends to the Board as follows:

1. that the Board reduce the current TAH for this population from 1000 to 800 as soon as possible;
2. that, concurrently, the Board strike the BNL for this population on the basis provided in the Board's 2010 legal analysis – i.e. that all amounts harvested by Inuit, including “commercial” amounts, are included in the calculation;
3. that the Board include in the body of its BNL decision the proviso that the Board may revisit the BNL if the Board decides, by no later than September 30, 2014, that the GN has provided clear and convincing evidence in a further public hearing persuading the Board that the BNL should have been calculated differently; and
4. that, when rendering its BNL decision, the Board also inform the Governments of Nunavut and Canada that a BNL decision based on a proviso for alteration is an irregular step that the Board will not repeat, and that the Board will at all times in future expect governments proposing any TAH on a population of wildlife in the NSA to the NWMB to include a complete BNL proposal, including a complete explanation of the basis for the government's calculations and a complete report of the supporting evidence.

In considering this recommendation, the Board can be assured that, if the GN decides to proceed with adducing further evidence regarding the BNL in the time permitted, NTI is ready and willing to work in good faith with the GN and other hearing parties prior to the further public hearing in order to prepare an agreed statement of facts that enables the Board to dispose finally of this BNL calculation issue in the most timely and simple way possible.

NTI thanks the Board for considering these views and recommendation and looks forward to early establishment of the recommended TAH and BNL, in accordance with the NLCA, as soon as possible.

Sincerely,



Gabriel Nirlungayuk

CC. Drikus Gissing, Government of Nunavut (by email)