

SUBMISSION TO THE

NUNAVUT WILDLIFE MANAGEMENT BOARD



FOR

Information: _____

Decision: X

Issue: Section 5.6.25 of the Nunavut Land Claims Agreement: establishing BNL's for Beluga Narwhal and Walrus

Background:

The Nunavut Wildlife Management Board (NWMB or Board) has an outstanding obligation under the Nunavut Land Claims Agreement (NLCA) to establish basic needs levels (BNL) for beluga, narwhal and walrus as per S 5.6.25.

"The NWMB shall establish the basic needs levels for beluga, narwhal and walrus within 12 months of the NWMB being established taking into account the fact that they are in short supply in some areas and therefore that the harvest by Inuit has been and is artificially low in relation to their needs and does not necessarily reflect their full level of needs."

The complicatedness on how to deal with this obligation has hindered the NWMB from moving forward on the issue. Due to the need to address the obligation, NWMB staff feel that the best way to address the issue is to request the positions of its co-management partners through a hearing process. NWMB staff have discussed with Nunavut Tunngavik Incorporated (NTI) and Fisheries and Oceans (DFO) on how to move forward proposing a written hearing approach. In response to this proposal, NTI indicated that it would be willing to accept a written hearing approach if all parties were in agreement on how to move forward.

Based on discussions with NTI and DFO they have provided preliminary positions on S 5.6.25, which are in brief summary:

A.) DFO's position is that the NLCA dictates the manner in which to establish BNLs and TAHs;

B.) NTI's position is that the BNL for beluga, narwhal and walrus should all go to Inuit, similar to species identified as *Presumption as to Need* species under S 5.6.5 of the NLCA;

Due to differing positions on how to move forward, NTI indicated that they were not willing to accept a written hearing approach.

Recommendations:

NWMB staff recommend that the NWMB initiate a public hearing process to solicit opinions on how the Board should implement S 5.6.25. As members are aware in most circumstances when the Board conducts a public hearing there is a proponent and a proposal for parties to respond to. NWMB staff are recommending that the Board be the proponent and that parties respond to the issue of how the NWMB should implement S 5.6.25.

NWMB staff therefore recommend that:

1. The NWMB be the proponent and that it follow its public hearing process¹ (ensuring that procedural fairness requirements are met) in the anticipation that it will conduct a public hearing on the issue at a February meeting (proposed by NWMB staff) or at the NWMB's March Regular Meeting.

Consultations: Robert Kidd, Director of Wildlife Management

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Dated: November 13th, 2010

¹ Such as providing public notice; call for submissions; uploading of information to the NWMB's website; etc.