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December 14, 2006

Jim Noble
Chief Operating Officer
Nunavut Wildlife Management Board
P.O. Box 1379
Lot 924 Parnaivik Building
Iqaluit, Nunavut
X0A 0H0

Dear Jim:

Re: Outstanding issues for Special Meeting Twelve

Further to my November 15 letter, NTI would like to comment on some of the issues raised in the NWMB's November 20 letter and to seek clarification on some other issues that are outstanding. NTI also plans to file further submissions according to the schedule outlined by the Board.

1. Repealed Wildlife Regulations

The Board's November 20 letter addresses NTI's position on the appropriate procedure for the Board to follow

- 1) when the Board is considering whether to approve new limitations that relate to currently existing limitations, and
- 2) when the Board wishes to consider approving any limitation different from that which was proposed.

The letter expresses concern that, in both cases, the potential time and resource implications of NTI's position might be considerable.

With respect to the first of these cases, it is NTI's position that Inuit and their representatives are entitled to procedural fairness in this case as fully as in every other case where the Board's or Minister's decision may "restrict or limit Inuit harvesting" within the meaning of section 5.3.3 of the NLCA. The requirements of procedural fairness include the giving of adequate notice of the limitation or limitations being considered and the justifications advanced, and a reasonable opportunity to respond.

NTI submits that Inuit would be entitled to notice and an opportunity to respond in relation to both the new limitation and the related current limitation where the Board has not previously considered the current limitation and if it were proposed either i) that the current limitation should continue alongside the new one, or

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2. NQLs now recognized as such by the GN, and NQL decisions postponed by the NWMB at its October 26 decision-making session



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The Board's November 20 letter indicates that the letter will be filed on the public record of the Meeting. According to the letter, the Board decided at its decision-making conference following Session #1 to reject certain non-contentious limitations and to postpone deciding on certain others. The letter also indicates that, in response to the GN's November 14 letter, the Board has decided to reopen the limitations that had been rejected, for further Board consideration, and to bring those limitations and those for which decisions had been postponed back to the Meeting for further comment by the parties.

NTI does not object to either result. However, based on the Board's previous correspondence, NTI had understood that the Board's decision conferences were to be held in- camera and subject to the confidentiality requirement of s. 5.3.8 of the NLCA. NTI wishes to express its concern that as long as the Board maintains its practice of holding in- camera decision conferences, attended only by Board staff, advisors and members and the non-voting observers referred to in s. 5.2.2 and 5.2.3 of the NLCA, these conferences must be kept separate from the public hearing portion of the Meetings. If a hearing were to be effectively continued during sittings that were announced as in-camera decision conferences, all parties would be entitled to notice and the other safeguards of procedural fairness that apply during the hearing, administered even-handedly.

3. Peary Caribou materials

In its opening comments during Session 2 regarding Peary Caribou, the GN noted that both the GN and the Board possess related materials that the GN has not submitted to the Board in this Meeting. NTI does not know what materials were being referenced. Please confirm that the NWMB will not consider any unfiled materials in its decision process for this Meeting regarding the Peary Caribou issues.

4. Precautionary principle materials

Prior to Session 2, counsel for the Board, GN and NTI exchanged views on how to proceed in response to the Board counsel's request for materials discussed in the Working Group regarding the precautionary principle. The discussion did not conclude. NTI proposes that this issue be included in the matters that counsel address when they meet to discuss other procedural matters before Session 3 convenes, and NTI requests that the NWMB not consider any related materials that have not been filed or quoted in the Meeting until the discussion concludes.



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