



Tammaqtainahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihmaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

Dear Mr. McLean:

Thank you for your May 9th 2011 correspondence, requesting standing for the Nunatsiavut Government at the May 16th and 17th 2011 public hearing organized by the Nunavut Wildlife Management Board (NWMB or Board) concerning the total allowable harvest for the Davis Strait polar bear sub-population in the Nunavut Settlement Area (NSA). The NWMB is pleased to provide limited party status to the Nunatsiavut Government at the hearing: Depending on the number of parties that attend, the NWMB may need to place tighter timing restrictions on oral submissions, questions and comments from those parties not accorded the status of full parties by Section 5.2.28 of the *Nunavut Land Claims Agreement* (NLCA).¹

Your letter raises two concerns that I would like to briefly address. First, your correspondence indicated that the Nunatsiavut Government was notified on May 6th 2011 that it would not be permitted representation at the hearing. In fact, in response to an inquiry from a Labrador representative at a meeting that day between the NWMB and the National Aboriginal Council on Species at Risk, the NWMB representative correctly stated that anyone seeking to be a party – except those named under NLCA Section 5.2.28 or specifically invited by the Board – would need to make an appropriate request in writing to the NWMB. That reasonable requirement is included in the Board’s hearing rules, which have been continuously posted on the NWMB website since April 1st 2011. In addition, the Board issued a Public Notice on April 1st, which provided NWMB contact coordinates for anyone wishing “...to obtain the rules applying to the hearing... or to receive information about attendance as a ... party at the hearing...”

Second, your letter reported that the Nunatsiavut Government had been overlooked in the NWMB's hearing process. The Board assumes that you came to that conclusion because your Government was not included as a recipient of the NWMB's April 1st 2011 letter inviting a

¹ “Any representative or agent of the Government of Canada or Territorial Government, any Inuk or any HTO or RWO shall be accorded the status of full party at a public hearing and the NWMB may, at its discretion and in conformity with its rules, determine whether any other person is accorded the status of full party for the purpose of any particular public hearing.”

number of governments and agencies to provide written submissions and supporting documentation for the hearing. While it's true that the Nunatsiavut Government was not included as a recipient of that letter, the Director of Renewable Resources of the Nunatsiavut Government was formally copied on the correspondence, and received it at the same time as the recipients. The NWMB would have welcomed and responded positively to any follow-up inquiries or requests from the Nunatsiavut Government concerning party status. The Board's April 1st letter was plainly not intended to exclude your Government from seeking party status at the hearing.

Unfortunately, your request arrived on the final day for the delivery of written submissions to the hearing. As I am sure you can appreciate, the delivery of written materials to a public hearing within a particular time frame is an important requirement of the NWMB hearing process. Although it is clearly necessary from an administrative perspective – facilitating as it does the Board's efforts at running a timely and efficient hearing – the primary value of meeting filing deadlines is to ensure fairness to all parties.

If the Nunatsiavut Government is planning to file written submissions, please be aware that the NWMB takes the position – based upon adherence to the principles of procedural fairness - that other parties require an opportunity to consider whether the proposed late filing of a submission is unfair to them, to be able to raise any objections and – if there are objections – to set out recommended measures to fairly address any resulting prejudice to them. After considering the views of the other parties, the NWMB must then decide whether to accept a late submission and – if so – what conditions, if any, would apply to that acceptance. Because we are so close to the oral hearing, it is likely that the first opportunity the parties will have to raise objections to late submissions at this hearing will be on the first day of the oral hearing.

On the understanding that the Nunatsiavut Government is comfortable with both the potential for necessary timing restrictions on its participation and the NWMB's requirements for addressing late submissions, the Board looks forward to the participation and positive contribution of the Nunatsiavut Government at the Davis Strait polar bear hearing. If your Government is planning to seek to file late written submissions, the NWMB requests that you promptly inform the Board of those intentions.

Yours sincerely,



Mikidjuk Akavak, Chairperson of the
Nunavut Wildlife Management Board

c.c. Rebecca Willcott, Department of Lands and Natural Resources, Nunatsiavut Government