



*established immediately upon the Board determining the TAH... the Government's lawful authority to deny applications from eligible non-Inuit applicants to harvest animals from this population may be susceptible to challenge until the BNL is established.*"<sup>2</sup>

In order to have acted upon the GN's request in a procedurally fair manner, at a minimum the NWMB would have needed to provide the other hearing parties with an opportunity to file submissions on the legal question of whether or not the BNL must be struck immediately upon the determination of the TAH. With the hearing scheduled to take place in less than one week, there was no time to provide such an opportunity. Accordingly, the NWMB had no recourse but to adjourn the entire hearing for the time being.

**2. Recommended interim arrangements to ensure that SHI caribou are sustainably harvested**

With respect to the necessary delay in the *Nunavut Land Claims Agreement* (NLCA) consideration of the proposed modification of the SHI caribou population TAH, it is important to point out that:

1. the GN, NTI and the Coral Harbour Hunters and Trappers Organization (HTO) have submitted, during the course of the hearing so far, that the TAH should be reduced from 1,000 to 800 animals;<sup>3</sup> and
2. the Coral Harbour HTO has already reduced the quantitative harvest level for its members to 800 animals.<sup>4</sup>

In the circumstances, the NWMB recommends that – until such time as the NLCA decision-making process is completed - the GN work with the HTO to closely monitor the harvest, and to assist – to the extent legally permissible – in enforcing the HTO-required harvest limit of 800 caribou. However, if the Minister, following due consideration, concludes that urgent and unusual circumstances require the TAH to be modified prior to the completion of the SHI Caribou Public Hearing and the resulting NLCA decision-making processes, he is able to rely upon the necessary authority under NLCA S.5.3.24 to make a reasonable interim decision, with the Board to conduct a full review as soon as practicable thereafter.

---

<sup>2</sup> NTI's May 2<sup>nd</sup> 2014 submission, entitled "*Reply to the Government of Nunavut submission*", page 22.

<sup>3</sup> See the GN's *Proposal for Decision* (undated – fall 2013), pages 2 and 3, NTI's May 2<sup>nd</sup> 2014 submission, page 3, and the Coral Harbour HTO's oral remarks on December 11<sup>th</sup> 2013 at phase 1 of the hearing – Hearing Transcript, page 182, lines 12 to 14.

<sup>4</sup> See the Coral Harbour HTO's oral remarks on December 11<sup>th</sup> 2013 at phase 1 of the hearing – Hearing Transcript, page 182, lines 12 to 22.

**3. NWMB requests and directions with respect to the filing of further hearing submissions and the organization of phase 2 of the hearing**

Prior to reconvening the hearing, the NWMB wishes to be reasonably certain that all of the evidence and arguments required for the hearing have been submitted, and that phase 2 of the hearing will provide sufficient time for fulsome presentations and consideration of the parties' evidence and arguments. Accordingly, the NWMB is issuing the following requests and directions.

**3.1 The GN and NTI are invited to set out what additional hearing evidence is necessary from each of them**

First, the Board requests that the GN and NTI meet, on an urgent basis, to discuss what additional evidence is necessary from each party for a proper determination of the BNL. If that discussion is successful, **the NWMB invites the GN and NTI to file a consensus hearing submission, duly translated into Inuktitut/Inuinnaqtun or English as the case may be - by no later than June 10<sup>th</sup> 2014 - setting out what additional evidence is necessary from each of them.**<sup>5</sup> If the two parties are not able to achieve a consensus position, the NWMB requests that each file, by June 10<sup>th</sup>, a separate, translated hearing submission setting out what additional evidence is necessary from each of them.

**3.2 The NWMB will issue specific instructions before the end of June for the filing of additional necessary evidence**

Second, shortly after the June 10<sup>th</sup> submission deadline - and **by no later than the last full week of June - the NWMB will issue specific instructions to the relevant parties for the filing of additional necessary evidence.**

**3.3 The hearing parties are invited to file further written submissions on the legal question of what types of harvests are to be included in the calculation of the BNL**

Third, as set out in the NWMB's May 8<sup>th</sup> and 16<sup>th</sup> 2014 correspondence to the parties, the Board is intending to devote up to a full day of phase 2 of the hearing on submissions and

---

<sup>5</sup> Submissions and their supporting reasons/documentation may be filed with the Board in person, by courier or by mail. They should be clearly marked as pertaining to the *NWMB Public Hearing for Southampton Island Caribou*. Delivery of the materials may also be made through fax or electronic transmission, but only if your department or organization confirms by phone with the NWMB - prior to the filing deadline - that a complete and legible copy of the transmission has been received by the Board. Materials are deemed to have been filed on the actual day of receipt by the NWMB.

resulting discussions concerning the legal question of what types of harvests are to be included in the calculation of the BNL. Accordingly, **any hearing party wishing to do so is hereby invited to file further written submissions – including a response to any relevant submission already filed – concerning the specific legal question of what types of harvests are to be included in the calculation of the BNL. The deadline for the filing of any such translated submissions is June 27<sup>th</sup> 2014.**<sup>6</sup> Please note that the issue of what types of harvests must be included in the calculation of the BNL is different from the related issues of what specific numbers should be used in the calculation of the BNL, and what specific evidence is relied upon to support the accuracy of those proposed numbers. Those latter issues will be addressed during the hearing, but not during the time devoted to the consideration of the legal question.

**3.4 The hearing parties are invited to inform the NWMB in writing if they believe a three-day hearing will provide insufficient time to present and consider all of the hearing evidence and arguments**

Fourth, in response to recent discussions with NTI and GN representatives regarding the amount of time required for the presentation and consideration of evidence and arguments at phase 2 of the public hearing, the NWMB is currently planning for a full three-day in-person hearing. **If any party is concerned that three days provides insufficient time for all of the parties to deliver their oral presentations and respond to resulting questions, please inform the NWMB in writing by no later than June 27<sup>th</sup> 2014.**<sup>7</sup> Please set out in your correspondence – with accompanying reasons – the overall amount of time you estimate the hearing will require, as well as the specific amount of time you estimate to be needed for your oral submissions and resulting questions and answers.

**4. Where to access the best available Southampton Island Caribou Public Hearing information**

The hearing rules and a number of additional documents comprising the best available hearing information to date – including correspondence filed on May 8<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup> and 26<sup>th</sup> 2014 - are available for download from the NWMB's *Public Hearings Registry* on its website ([www.nwmb.com](http://www.nwmb.com)) or by contacting the NWMB at the following coordinates:

---

<sup>6</sup> Please note the applicable directions set out in footnote no. 5.

<sup>7</sup> Please note the applicable directions set out in footnote no. 5.

NUNAVUT WILDLIFE MANAGEMENT BOARD

3<sup>rd</sup> Floor, Ikaluktuutiak Drive  
P.O. Box 1379, Iqaluit, NU, X0A 0H0  
Phone: (867) 975-7300  
Fax: (888) 421-9832  
E-Mail: [receptionist@nwmb.com](mailto:receptionist@nwmb.com)

The NWMB has also prepared a transcript of the December 10<sup>th</sup> and 11<sup>th</sup> oral submissions at the in-person hearing, available upon request to the Board.

If you require further information with respect to the matters addressed in this letter, please do not hesitate to visit the NWMB website or to contact the Board directly.

Yours sincerely,

  
Ben Kovic,  
Chairperson of the  
Nunavut Wildlife Management Board

c.c. Drikus Gissing, Director of Wildlife, Government of Nunavut-Department of Environment;  
Mitch Campbell, Kivalliq Regional Biologist, Government of Nunavut-Department of Environment;  
Gabriel Nirlungayuk, Director of Wildlife, Nunavut Tunngavik Inc.;  
Bert Dean, Senior Policy Advisor, Nunavut Tunngavik Inc.;  
Glenn Williams, Wildlife Policy Advisor, Nunavut Tunngavik Inc.;  
Janet Dionne, Acting Executive Director, Nunavut Inuit Wildlife Secretariat;  
Leah Muckpah, Kivalliq Regional Liaison, Nunavut Inuit Wildlife Secretariat;  
Jackie Price, South Baffin Regional Liaison, Nunavut Inuit Wildlife Secretariat

# ~ PRESS RELEASE ~



NWMB Southampton Island Caribou Public Hearing - for Immediate Release

## **Adjournment by the Nunavut Wildlife Management Board of the June 3<sup>rd</sup> and 4<sup>th</sup> 2014 Southampton Island Caribou Public Hearing to the Fall of 2014**

(May 28, 2014 – Iqaluit, Nunavut) The Nunavut Wildlife Management Board (NWMB) has decided to adjourn phase 2 of the Southampton Island Caribou Public Hearing to the fall of 2014. The in-person portion of phase 2 of the hearing was originally scheduled to take place at the Frobisher Inn in Iqaluit, on June 3<sup>rd</sup> and 4<sup>th</sup> 2014. The reason for the adjournment is that more time is required to obtain important evidence - primarily from the Government of Nunavut, but also potentially from Nunavut Tunngavik Inc. - for consideration at the hearing. Because this matter remains a top priority for the NWMB, it intends to reconvene the hearing at the earliest reasonable opportunity.

The hearing rules and a number of additional documents comprising the best available hearing information to date are available for download from the NWMB's *Public Hearings Registry* on its website ([www.nwmb.com](http://www.nwmb.com)) or by contacting the NWMB at the following coordinates:

NUNAVUT WILDLIFE MANAGEMENT BOARD  
3<sup>rd</sup> Floor Allavvik Building  
1106 Ikaluktuutiak Drive  
P.O. Box 1379, Iqaluit, NU, X0A 0H0  
Phone: (867) 975-7300  
Fax: (888) 421-9832  
E-Mail: [receptionist@nwmb.com](mailto:receptionist@nwmb.com)

The NWMB has also prepared a transcript of the December 10<sup>th</sup> and 11<sup>th</sup> 2013 oral submissions at phase 1 of the public hearing, available upon request to the Board.

***For further information, please contact:***

Jim Noble  
NWMB Executive Director  
Tel. (867) 975-7300  
[jnoble@nwmb.com](mailto:jnoble@nwmb.com)

---