



**BY FACSIMILE - URGENT**

January 28, 2016

Jason Akearok,  
Executive Director  
Nunavut Wildlife Management Board  
Box 1379  
Iqaluit, NU X0A 0H0

Dear Mr. Akearok:

**Re: Written Hearing of the NWMB concerning the proposed approval of the Qammartalik Cove Emerging Char Fishery Plan**

NTI wishes to thank the NWMB for its letter dated December 18, 2015, and you for your prompt responses to NTI Wildlife Director Paul Irngaut's inquiries in the past week.

NTI's offices were closed on December 18. Due to an administrative oversight at NTI after the Board's letter was received, NTI was unable to prepare a written submission by the Board's deadline, January 22, 2016. In response to Mr. Irngaut's telephone request for an extension, you notified NTI by email on January 27 that the Board cannot extend that deadline.

NTI apologizes to the NWMB, DFO and GN for any inconvenience this situation has created.

In light of the fact that no submissions have been received for the written hearing since it was announced, NTI proposes the following way forward:

1. The Board treat NTI's September 17, 2015 letter to the Board as NTI's written submission for the purpose of other parties' reply.
2. The Board also consider any written submissions by other parties filed by February 19, 2016.
3. Subject to NTI's right of reply should any submission by another party raise an issue that was not addressed in NTI's letter, the NWMB proceed to make its initial decision based on the above submissions, exclusively within the confines of the decision described in the Board's December 18 letter. In order to avoid any confusion – and recognizing that past NWMB exploratory plan decisions have been treated by DFO, apparently contrary to the Board's intention, as decisions that may implemented by the Minister under the NLCA by way of fishing licences - NTI asks the Board to reconfirm as soon as possible what the Board considers the proposed decision to be and what it is not, as follows:

The proposed decision is:

- to approve a “collaborative arrangement voluntarily entered into by DFO and Nattivak”, in accordance with the Board’s function to approve plans for the management and protection of wildlife under s. 5.2.33 of the NLCA, and
- subject to the decision-process set out in section 5.3.17 of the NLCA.

The proposed decision is not

- to establish any limitation on the quantity of Inuit fishing;
- to establish any non-quota limitation on Inuit fishing;
- to approve any measure that the Minister may implement under s. 5.3.23 of the NLCA by means of any limitation on Inuit fishing, or
- to approve any measure that the Minister may implement under s. 5.3.23 of the NLCA by means of a fishing licence.

This approach appears to be workable despite NTI not having filed a further submission because, as NTI reads the Board’s December 18 2015 letter, the Board is assuring Inuit that the Board’s decision cannot engage the concerns that NTI set out in its September 17 2015 letter, none of which involved the Board’s authority to approve management plans.

On the question of the Board’s management plan approval authority, NTI continues to urge the Board to clarify what the Board understands a “management plan” to consist of, and what the Board understands to be the necessary implementation consequences under s. 5.3.23, if any, of the Board’s discretionary approval of such plans. NTI would be pleased if the Board addressed those issues in making its initial management plan approval decision, but does not propose that the Board delay this process any further by inviting written submissions on that issue before deciding.

Once again, NTI wishes to assure the Nattivak HTO that the proposed way forward should not delay or restrict the HTO’s winter exploratory fishery in any manner. NTI understands that, if this fishery has not commenced already, it is due to commence very soon.

Please reply to this letter, including NTI’s request to clarify what the proposed decision is and is not, as soon as possible. Thank you.

Sincerely,



James T. Arreak  
Chief Executive Officer

CC. David Burden, DFO-RDG Central & Arctic Region  
Manager, Nattivak Hunters and Trappers Organization  
Gabriel Nirlungayuk, Deputy Minister, Department of Environment, GN