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Nunavut Tunngavik Timingat Titiqqilvia 638 Iqaluit NU X0A 0H0 Canada Nunavut Tunngavik Incorporated P.O. Box 638 Iqaluit NU X0A 0H0 Canada

© 1-888-646-0006

(867) 975-4949

May 4, 2006

Joe Tigullaraq Chairperson Nunavut Wildlife Management Board Iqaluit, Nunavut X0A 0H0

Dear Joe,

Re: NWMB Special Meeting No. 12 to consider harvesting limitations in the Government of Nunavut's proposed Wildlife Regulations and Orders

I am writing further to the May 2 officials meeting regarding the draft agenda for Special Meeting 12. Please file this letter as a submission to the Board for the Meeting.

1. Meeting time and time limits

The Board did not seek NTI's views before adopting a three-day Meeting timeframe on March 2. NTI expressed concern in several letters to the Board that enough time must be set aside for this Meeting to handle the many complex issues that the Board will consider. ¹

Due to its concern, NTI did its best as the process unfolded to assess whether three days would be sufficient time for the Meeting. The filing delays and process uncertainties noted in NTI's previous letters made such an assessment very difficult.

Today, NTI still does not know how the Board plans to deal at the Meeting with the absence of justification material from the GN with respect to limitations "not in contention". Also, NTI is continuing to review the April 13 document received from the NWMB on April 21 concerning justifications (see also the further comment below) and

Attachment to November 10, 2005 letter from NTI to NWMB and GN, "Procedures anticipated by NTI at NWMB public hearings" ("The hearing will be of sufficient length to enable the parties to participate fully in the manner set out in the *Rules*."); December 20 letter from NTI to NWMB ("the decision-maker itself must have adequate ... time to make a good decision"; February 13, 2006 letter from NTI counsel to NWMB counsel (procedural fairness ensures_..." a reasonable opportunity for interested parties to present relevant evidence to the Board; and a reasonable opportunity for all parties to make submissions to the Board."); March 27, 2006 NTI to NWMB ("Due to their number and complexity, the issues "in contention" at the Meeting appear likely to require ... considerable Meeting time, and significant time for Board deliberation prior to decisions") and attached response to NWMB questions (The limitations in contention as of July 2005 are numerous and complex. For this reason, the issues in contention at the Meeting can be expected to i) require the review of substantial material before and during the Meeting, ii) involve presentations from participants and considerable discussion at the Meeting, and iii) require significant opportunity for Board deliberation prior to the making of decisions." (emphasis added).

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C_544% Taloyoak justifications (see also the further comment below) and does not know how this document will be used at the Meeting. In addition, my staff received an e-mail from the GN yesterday proposing further changes to the list of issues to be dealt with.

In NTI's view, the time frame for NWMB decision meetings should reflect the importance for Inuit of the issues at stake, the premium that should be placed on Inuit participation, and the manner in which Inuit are accustomed to make decisions i.e. through open, informal, and thorough dialogue. In NTI's view, such dialogue is the most useful approach for Board members, and necessary for the appropriate involvement of Inuit.

At this time, NTI expects that the following persons will take an active part in the meeting on behalf of Inuit: two HTO representatives (one from Baker Lake and one from Resolute Bay); one representative from each of the three Nunavut RWOs; an NTI Executive representative; three NTI staff members including NTI's biologist, and one legal counsel.

I assure the Board that, consistent with its previous commitments, NTI will support fully the Board's efforts next week to cover as much of the subject-matter for the Meeting as can be covered reasonably in the time available, while ensuring a fair hearing.

NTI proposes that the Board be prepared, when the Meeting convenes or later, to extend the Meeting until the afternoon of Friday May 15 or adjourn the Meeting to a later date in order to cover deferred agenda items.

NTI gladly will take part in any discussions during the Meeting to monitor progress and plan for contingencies. NTI would oppose any proposal to cut off relevant and useful discussion or questioning only for the sake of meeting the current timeframe and time limits.

2. Agenda contents

The draft agenda appears to have been prepared before NTI filed its written submission on April 25.

I confirm NTI's understanding, stated in my April 6 letter and reflected in the agenda, that seasons for Artic wolf and wolverine will not be going forward at this Meeting. Please note that NTI opposes the GN's proposal yesterday that wolverine seasons be added to the agenda based on section 5.6.51 of the NLCA. This item should be deferred to a later meeting to allow justifications to be presented and allow affected parties reasonable time to respond. The GN's proposal also raises the issue whether there are any other pre-existing limitations that the GN may treat as eligible for retaining if the NWMB does not expressly remove them.

NTI requests that the agenda be adjusted as follows to reflect NTI's written submission:

- Show that NTI is not challenging
 - o the TAH rules in sections 20-22 of the Harvesting Regulations
 - o the grizzly bear NQLs
 - o the requirement for sport hunters to wait 6 hours before hunting polar bears;

- Show that NTI is challenging
 - o The prohibition on low-pull weight cross-bows to harvest small game
 - The prohibition on the use of ammunition less than .243 cal. to harvest bear, moose or muskox
 - The licence and qualification requirements for persons capturing live birds of prey.

In light of the continuing uncertainties regarding the complete list of harvest limitations that will be considered next week, NTI strongly recommends that the NWMB provide a 'final master list' at the commencement of the Meeting in the format of the NWMB's November 2005 list. If necessary, NTI staff will make themselves available on the weekend or in the morning prior to the Meeting to review the list and seek answers beforehand to any questions NTI has regarding the list.

3. Organization of topics

NTI requests that an estimated 45 minutes be set aside on Day One of the Meeting for NTI to make an opening statement relating to the matters covered in items 1-9 of NTI's written submission. The other parties should be offered a similar opportunity.

The TAH portion of the meeting can be expected to include a number of subtopics, such as whether the TAHs proposed are based on populations. Also, there will be presentations by biologists for the GN and NTI, which can be expected to be followed by questions that enable specialized information to be fully understood by participants.

4. Oral submissions

NTI suggests that, as Chairperson, you make clear in your opening remarks the Board's direction that oral submissions be based on the filed documents. In NTI's view, while allowance should be made for explanations and some flexibility is desirable, this direction is critical to a fair hearing on matters of justification.

5. April 13 NWMB document, "Proposed Total Allowable Harvests and Non-Quota Limitations in the Draft 2005 Wildlife Regulations and Orders"

This document, received by NTI on April 21, contains useful summaries of GN justification material and related references to the NLCA and legislation. However, it also contains new justification rationales for several NQLs, does not inform the reader on whose behalf these rationales are proposed (in particular, does not indicate whether NWMB staff and advisors propose that these justifications are adequate), and does not indicate how they should be dealt with at the Meeting. NTI will make submissions at the Meeting concerning how this document should be dealt with by the Board. Please note, however, that to the extent that new justifications

are being put forward, the Board's Ad Hoc Procedures ² directed that this material be filed by March 27 or the extended date of April 6. These significant parts of the document are not response materials, and NTI has not had a reasonable opportunity to consider or respond to them.

In closing, please accept my assurance that NTI has attempted to respond as promptly, fully, and with as much flexibility as possible to the extraordinary demands that this process is placing on its representatives. NTI will continue to do so at the Meeting.

Sincerely,

Joe Adla Kunuk

Chief Executive Officer,

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Nunavut Tunngavik Incorporated

CC. Simon Awa, Deputy Minister, Department of Environment, Government of Nunavut; HTO and RWO Chairpersons

² **Special Meeting No. 12 Ad Hoc Procedures: "3.** Any written materials produced by the NWMB for consideration at the meeting shall also be translated and made publicly available by no later than 5:00 PM, March 27th 2006." NTI requested timely receipt of any such NWMB materials in its March 27 and April 6 letters.