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Qikiqtaaluk

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Arctic Bay
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Qikiqtaalujuaq
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Cape Dorset
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Clyde River
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Grise Fiord
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Hall Beach
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Igloodik
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Iqaluit
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Kimmitut
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Pangnirtung
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Pond Inlet
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Resolute Bay
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Sanikiluaq
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Kivalliq

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Arviat
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Baker Lake
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Chesterfield Inlet
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Coral Harbour
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Rankin Inlet
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Repulse Bay
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Whale Cove
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Kitikmeot

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Cambridge Bay
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Kugluktuk
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Gjoa Haven
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Kugaaruk
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Taloyoak
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April 6, 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

As the Board is aware, the Government of Nunavut (GN) has not filed some key information that is required in the Board's March 2 letter, and has filed information that is incomplete in important respects. These circumstances make it hard for NTI to take part in the process. They also lead NTI to ask how the Board can decide on the many Inuit harvesting limitations and justifications in question at Special Meeting #12 without this information.

The GN has not filed a complete list of the limitations that the Board is being asked to decide on, or the full justifications and evidence for Inuit harvesting limitations "in contention" or recently revised. The Board directed that this material be filed by March 27. (The GN has filed answers to the Board's December questions and comments, a report of its public consultations, a revised set of draft regulations and orders, and a copy of the Wildlife Research Section's "Working Draft" *Recommendations on Total Allowable Harvest Rates for Terrestrial Wildlife Populations in Nunavut* (December 31 GN TAH report)).

As NTI understands the process, at Special Meeting #12, scheduled for May 8-10, the Board is expecting to have before it a set of requests for decision, each identifying the decision requested and stating the reasons why, in the proponent's view, the Board should make the decision. That is the procedure that the Board has followed in the past. According to this understanding, Board expects the list of Inuit harvesting limitations submitted to identify in each case the decision requested. Further, the justification and evidence submitted is expected to provide the Board with a sufficient statement of the proponent's related reasons.

As stated in its March 27 letter, in NTI's view the list of Inuit harvesting limitations being put forward for decision is essential to the process, and NTI is uncertain how the Board can decide on the many such limitations dispersed

through 14 draft regulations and orders without this list and supporting information.

With respect to the list of limitations, NTI submits the following:

- NTI requests that the Board inform all parties as soon as possible how the Board proposes to proceed in light of these circumstances.
- NTI requests the Board's assurance that each limitation on Inuit harvesting will be identified and dealt with individually at Special Meeting #12, as contemplated in the Board's announced process, enabling Inuit participants to address each proposed decision on its merits.
- It is NTI's position that any Inuit harvesting limitations contained in regulations or orders made following the Special Meeting that were not *identified as limitations* in the Board's decision process, may not be considered established by the Board in accordance with the requirements of the *Nunavut Land Claims Agreement*. If the Board or GN takes a different view, NTI asks to be informed as soon as possible. (NTI makes this request to the GN by copy of this letter.)

As the Board is aware, NTI is required under the Ad Hoc Procedures to file any written response to the proposed limitations and rationale in translated form by April 21. The only internal meeting, including legal counsel and biologist, that NTI can schedule to work on NTI's response is taking place from April 4-6. NTI cannot, in the time available, scrutinize the 14 draft orders and regulations and generate its own list of proposed Inuit harvesting limitations with confidence that the result would match the set of such limitations that either the government (the proponent of the limitations) or the Board (the decision-maker responsible to establish limitations) expects the Board to consider on May 8. Instead, NTI must devote this time to responding to Inuit harvesting limitations and rationale that NTI now knows the Board will consider. For this reason, NTI also submits the following:

- NTI wishes to inform the Board that NTI must rely on the Board counsel's November 2005 list (referred to in the GN's March 29 letter) in order to prepare for this Meeting. As exceptions, NTI intends not to respond to limitations on the Board counsel's list that have been omitted from the draft regulations and orders filed, and to respond to any further Inuit harvesting limitations that NTI has already noted in the draft regulations and orders. Also, NTI intends to rely on the GN's answers to the NWMB and consultation report where these documents state that certain limitations – such as wolverine and Arctic wolf seasons – are not going forward to the Board, even though they are contained in the draft regulations and orders filed.
- It is NTI's position that, if any Inuit harvesting limitations are proposed to the NWMB after April 5 for consideration at Special Meeting #12 that either were not contained in the November 05 list prepared by the Board's counsel or have not been noted by NTI, procedural fairness requires that such limitations not be considered at Special Meeting #12.

With respect to full s. 5.3.3 justifications and evidence, NTI submits the following:

- NTI wishes to inform the Board that in preparing its response, NTI will rely on the December 31 GN TAH Report solely for the purpose described in the GN's March 29 letter, namely as the GN's proposed "basis" for the TAHs, seasons, and limitations requiring sex selective harvesting that are contained in the draft regulations and orders filed. (A revised copy of this document, dated December 31, and without changes marked, was recently filed. Due to the shortage of time, NTI will rely on its previous copy of this document, excepting the preface, which NTI notes has been omitted from the recently filed version. NTI submits that if there are any unmarked substantive changes to the original version of this document, they should not be considered at Special Meeting #12.)
- In particular, NTI wishes to inform the Board that NTI is relying on the GN's March 29 letter for assurance that any limitations recommended in the December 31 GN TAH report and not contained in the draft regulations and orders filed are not being proposed to the Board at this time.
- The GN's March 29 letter acknowledges that the December 31 GN TAH report does not contain justifications or evidence for many of the Inuit harvesting limitations being proposed to the Board, including several NQLs that the Board appears to consider "in contention". Some justification material for selected further limitations is contained in the GN's answers to the Board's questions, and in the GN's consultation report. NTI also will rely on those sources in preparing its response; however, there remain many Inuit harvesting limitations for which no justification has been filed. In its March 27 letter, NTI requested that the Board direct the GN to file supporting rationale and evidence for all proposed Inuit harvesting limitations – not only those identified in advance of the Special Meeting as being "in contention." NTI asks that the Board consider and respond to NTI's March 27 request as soon as possible. NTI also notes, in response to the GN's March 29 letter, that NTI's stated position in the Working Group process was that all limitations on Inuit harvesting must be sufficiently justified in the public process of decision-making conducted by the Board under the NLCA, regardless whether NTI expressed concerns in the Working Group.
- It is NTI's position that, if additional rationale or evidence is filed after April 5, procedural fairness requires that Inuit harvesting limitations relating to the additional material not be considered at Special Meeting #12.
- In response to the GN's March 29 proposal to provide oral submissions from biologists or other representatives at the Special Meeting in place of justification and evidence that has not been filed, it is NTI's position that procedural fairness requires that the Board not consider oral submissions at the Special Meeting that are not based on sufficient related materials filed by April 5.

I would also remind the Board that NTI has requested copies of any materials that the Board intends to rely on at Special Meeting No. 12, other than the NWMB's report of the November 2005 "informal hearing" and the materials that the GN has been directed to file.

Thank you for your prompt attention to these concerns. NTI looks forward to the Board's reply at its earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Adla Kunuk".

Joe Adla Kunuk
Chief Executive Officer

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