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Department of Environment

Ministère de l'Environnement

Jim Noble
Chief Operating Officer
Nunavut Wildlife Management Board

December 20, 2006

Jim;

RE: Session 3 of Special meeting #12

In follow up to the November 20, 2006 letter from NWMB chairperson Joe Tigullaraq to Minister Netser (and others) regarding outstanding issues for NWMB special meeting No. 12, I offer the following additional information:

- 1) The English version of the muskoxen package was submitted to the NWMB and NTI on November 14, 2006. It has all been translated (attached). There are, however, a couple of important notes about this package. The first is that the Dumond Muskoxen 2006 report has been re-formatted and a few errors have been corrected. The justifications and recommendations have not changed, but the report has been revised. The revised English version of this report is attached, and the Inuktitut will follow as soon as it is done. The translators are now working on updating the translation to match the report, and I will send this to you as soon as I can. I can also advise that we have identified a deficiency in the muskoxen package – specifically, it does not provide a thorough justification for recommending a TAH of 0 muskoxen for the Thelon population. As you are aware, the Thelon is a special situation, and the NWMB is planning a public consultation process specifically to review the subject of harvesting in the Thelon. It is the GN position that the present de-facto harvesting prohibition (There is no management zone in that area) in the Thelon should remain in place, and we are preparing this justification right now and will submit it, in English and Inuktitut, as soon as possible. Attached is an informative narrative describing the wildlife management purpose, and benefits, of maintaining the Thelon as a no harvesting sanctuary. This document will be available in Inuktitut tomorrow.
- 2) I recognize that there was a disagreement between the GN and NTI on the process to be followed for the review of the revised muskoxen package. We are of course anxious to get this package reviewed and decided upon by the NWMB. However, I can again confirm that should the NWMB decide to allow more time for this process, that our existing muskoxen management regime is fully functional, and leaving it in place will not cause a wildlife management concern.

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- 3) I recognize that there remains a disagreement between the GN and NTI, and possibly the NWMB staff as well, regarding an appropriate process for the repealed wildlife regulations. I do not, however, see that the matter is that difficult. The fact is that contained within the existing regulations are many quantitative and non-quantitative limitations which, along with many more requirements, such as reporting obligations and licensing administration systems, comprise the overall legislative regime for wildlife management. These quantitative and non-quantitative harvesting limitations are within the jurisdiction of the NWMB, and pursuant to 5.6.51 remain in place until removed or modified by the NWMB, and the NWMB can do this at any time. However, there is no escaping the fact that these limitations work in concert with the remaining regulations (e.g. reporting obligations) to form a functional system. The NWMB is now partway through reviewing the limitations that are contained within the new draft regulations and orders. Prior to having a clear picture of what proposed limitations remain following the NWMB decision making process, we are unable to commit to removing all of the existing limitations. Indeed, if it is determined that a number of important limitations are not approved by the NWMB, and that the system is not capable of meeting our conservation needs, then the GN will, albeit reluctantly, want the existing regulations to remain in place until such time as we have a functional system to replace it with. While I see the obvious benefits of having all parties agree on this process, that seems unlikely, and probably unnecessary, and the jurisdiction of the NWMB and the Minister is clear. Perhaps more importantly, rather than argue about process we need agreement that the important part is to maintain a functional wildlife legislation system throughout the transition from the old system to the new one, and that agreeing to throw out the old one without a replacement system would not be a prudent approach.
- 4) I recognize that there remains a disagreement regarding the related issue of NQLs that are already in place in regulations, that are therefore deemed to have been established by the NWMB, and that we do not propose to modify or remove. Again, I agree that it would be beneficial if all parties reached agreement on this issue, but as with the above, that seems neither likely, nor necessary. This matter comes down to NWMB jurisdiction and NWMB decision making processes. Instead of waiting for the parties to agree on NWMB jurisdiction and decision making processes, the NWMB should define its jurisdiction and the process that it intends to follow and advise the parties of this. Then, if the parties have any concerns with this, they can raise them through the appropriate means. Specific to the issue of those existing NQLs that, pursuant to NLCA section 5.6.51, we do not propose to modify or remove, I repeat our previous commitment that, while there is no obligation for the GN to provide a justification to keep these in place, we are willing to provide this justification. Therefore the continued legal arguments seem unnecessary.

I admit that we remain somewhat confused by this disagreement, as the wording of 5.6.51 seems very unambiguous.

- 5) In the package of NQLs that were reviewed during the NWMB October decision making meeting, there were a number of provisions for which the GN held the position that they were not within the NWMBs NQL jurisdiction. Of these provisions, there are two (Sections 4 and 8 of the prescribed matters regulations that, on reconsideration and discussions with NWMB staff, we now agree are NQLs. Attached is a justification for these NQLs. The remaining items in this category (that were not approved by the NWMB) are not NQLs, and as such we do not require a decision of the NWMB. Attached is a rationale for this position.
- 6) During the October decision making meeting there were a number of provisions on which the NWMB deferred making a decisions, for various reasons. The majority of these items require further discussion by counsel, but on one we have agreed to some back with a revised proposal. The NQL in question is Section 5 of the Prescribed Matters Regulations, which, pursuant to Wildlife Act Section 72(2), prescribes ravens and creates an offense for the destruction of their nests. At the meeting it was pointed out that, particularly within municipalities, ravens can sometimes be considered a nuisance and it may be desirable to be able to allow their nests to be disturbed or destroyed as a means of controlling their populations and distribution. This section has not yet been re-drafted and therefore is not yet available for distribution. However, I can again confirm that we are open to this change and will bring a revised version forward. The issue is not a major one for now, especially given that there are no raven nests to worry about during winter, so if this issue does not get completed during the next few months it is not a conservation concern.
- 7) As requested, attached is the Inuktitut translation of the GN November 14, 2006 letter to the NWMB.

I will forward all outstanding translations of documents as soon as they are available. Please do not hesitate to contact me if you require anything further.

Sincerely,



Stephen Pinksen
Director, Policy, Legislation, and Planning

Attachments:

- Dumond 2006 Muskoxen Report (Revised December 2006)
- Thelon Wildlife Sanctuary purpose and TAH Justification, December 2006
- NQL Justification for Sections 4 and 8 of the Prescribed Matters Regulations, December 2006
- Rationale behind the GN position that some matters are not NQLs. December 2006
- GN letter to NWM November 14, 2006 Inuktitut
- Muskoxen TAH and NQL recommendations November 2006 Inuktitut
- Summary document NQLs and TAHs Muskoxen November 1006 Inuktitut
- Gunn Jenkins muskoxen report 2006 Inuktitut
- Dumond 2006 Muskoxen Report (original version) Inuktitut.