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FAXED
Jan. 24/07

January 19, 2007

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Resolute Bay Hunters
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Resolute Bay, Nunavut
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Jaypatee Akeeagok
Iviq Hunters and
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Grise Fiord, Nunavut
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Re: The potential establishment of a Total Allowable Harvest and Basic Needs Level for Peary Caribou in the Queen Elizabeth Islands

Dear Isaac and Jaypatee:

Introduction

Thank you for your recent letters (Isaac, September 26th 2006; Jaypatee, December 11th 2006) concerning total allowable harvests (TAHs) for High Arctic Peary Caribou. The Nunavut Wildlife Management Board (NWMB or Board) also wishes to congratulate both of your Hunters and Trappers Organizations (HTOs) for their careful and successful management of Peary Caribou over many years.

This response to your letters attempts to provide:

- A summary of the recent development in Nunavut of proposed Wildlife Regulations and Orders, including extensive Regional Wildlife Organization (RWO) and community consultations;
- A summary of the efforts made to date to include your communities in a comprehensive public consideration of proposed harvesting limitations on Peary Caribou and other wildlife; and
- An invitation for your communities to provide further substantial input into the potential determination of appropriate TAH and (adjusted) basic needs levels for Peary Caribou in the Queen Elizabeth Islands. A TAH is the overall amount of a population that the NWMB decides – pursuant to the terms of the *Nunavut Land Claims Agreement* (NLCA) - can be lawfully harvested in the Nunavut Settlement Area. A basic needs level (BNL) is the level of harvesting by Inuit required to meet their basic needs, as calculated by formulas set out in the NLCA.

2003 to 2005: Consultations on the draft Wildlife Regulations and Orders

As you are aware, after several years of discussion, drafting and consultation, the Government of Nunavut (GN) requested last spring that the NWMB approve its proposed *Peary Caribou Total Allowable Harvest Order* (March 26, 2006). That Order is part of a comprehensive package of 11 draft Wildlife Regulations and Orders prepared under the territory's new *Wildlife Act*.

Extensive consultations have been carried out with respect to the Regulations and Orders in general, and the Peary Caribou TAH Order in particular. Following the proclamation of the *Wildlife Act* in December of 2003, the GN, Nunavut Tunngavik Inc. (NTI) and the NWMB commenced the development of a Memorandum of Understanding (MOU) regarding the drafting of necessary Wildlife Regulations and Orders. Under the terms of the MOU, the objective of the Nunavut Wildlife Legislation Working Group - composed of the GN, NTI, the NWMB and the three RWOs - was *"to jointly develop all draft wildlife regulations and orders identified by the Department of Justice as necessary or advisable to implement the Act."*

The Working Group completed its work in the summer-fall of 2005. The GN then led three regional week-long consultations - which reviewed all of the draft Regulations and Orders - in the fall of 2005. Those consultations were attended by representatives of HTOs, RWOs, NTI and the NWMB. Following the regional meetings, the NWMB organized an informal hearing from November 15th to 17th 2005. The hearing was attended by representatives from all of Nunavut's communities. Its purpose was to review and discuss all of the proposed TAHs and a number of the proposed non-quota limitations (NQLs) in the draft Regulations and Orders.

2005: Discussion of Peary Caribou at the NWMB's Regular Meeting No. 42 and Special Meeting No. 11

The NWMB devoted considerable time to a discussion of Peary Caribou at its Regular Meeting No. 42 (Iqaluit, June 7-10, 2005) and at its Special Meeting No. 11 (Iqaluit, July 6-7, 2005). Representatives of both Grise Fiord and Resolute Bay were invited by the NWMB to attend the Peary Caribou discussion at Meeting No. 42. While Simon Idlout and David Kalluk participated on behalf of Resolute Bay, no representative from Grise Fiord attended that meeting.

2006: The NWMB's Special Meeting No. 12

In a letter dated March 2nd 2006, the NWMB announced to the GN, NTI and the three RWOs - cc'd to all of the HTO Chairpersons - that the Board would publicly consider all of the proposed TAHs and NQLs at its Special Meeting No. 12. Accompanying the letter was a list of procedures to be followed at the meeting, including a schedule for filing any materials for consideration by the NWMB in its eventual decision-making. Special Meeting No. 12 was originally scheduled to be held from May 8th to 10th 2006,

but had to be postponed because key Inuktitut translations were not filed with the Board on time.

In a letter dated July 13th 2006, the NWMB announced to the GN, NTI and the three RWOs – cc'd to all of the HTO Chairpersons – that the new dates for Special Meeting No. 12 would be September 25th to 28th and October 23rd to 25th 2006.

Accompanying the letter was the revised list of procedures to be followed at the two sessions of the meeting, including the schedule for filing any materials for consideration by the NWMB. The Board also included a proposed Agenda for both sessions. That Agenda set aside a full day for a thorough public consideration of the Peary Caribou TAH Order.

In a letter dated August 9th 2006, the NWMB announced to the three RWOs that it would cover all travel expenses for two delegates from each Region to attend both Sessions of Special Meeting No. 12. The two Baffin delegates selected by Inuit to attend Session 1 were Jayco Aooloo (Qikiqtaaluk Wildlife Board) and Simon Idlout (Resolute Bay).

A considerable number of materials were filed for Special Meeting No. 12. As stated in the NWMB's meeting procedures, all of those materials are available to the public, subject to relevant confidentiality or privacy concerns.

Several of the filed documents – all of which are contained in the NWMB's *Binder for Special Meeting No. 12* (distributed to all the delegates attending the meeting) - directly concern Peary Caribou, including the following:

- *High Arctic Peary Caribou Management Plan 6th Draft February 2005* (Developed by the GN through a series of 5 meetings, between 2002 and 2005, with representatives of your HTOs);
- *Recommendations on Total Allowable Harvest (TAH) Rates for Terrestrial Wildlife Populations in Nunavut* (GN, December 31, 2005);
- *The final decisions of the Nunavut Wildlife Management Board regarding the proposed legal listing of Peary Caribou, Dolphin and Union Caribou and Porsild's Bryum under the Species at Risk Act* (NWMB, January 16, 2006);
- *Peary Caribou Total Allowable Harvest Order* (GN, March 26, 2006);
- *Proposed levels of Total Allowable Harvest (TAH) contained within the draft Regulations and Orders submitted to the NWMB* (GN, undated);
- *Nunavut Tunngavik Incorporated Response to Proposed Limitations on Inuit Harvesting* (NTI, April 25, 2006);
- *Estimating Peary Caribou (*Rangifer tarandus pearyi*) and Muskox (*Ovibos moschatus*) Numbers, Composition and Distributions on Ellesmere Island, Nunavut* (GN, June 15, 2006);
- *Summary of the Population Estimates, Harvesting, and Surveys for Muskoxen, Peary Caribou, and Raptors in Nunavut for the Proposed*

levels of TAH contained within the draft Regulations and Orders submitted to the Nunavut Wildlife Management Board (GN, August 9, 2006);

- *Preliminary Density and Abundance Estimates for Peary Caribou and Muskoxen in the Canadian High Arctic (GN, August 9, 2006); and*
- *Nunavut Tunngavik Incorporated Response Number Three to Proposed Limitations on Inuit Harvesting (NTI, September 8, 2006).*

After advance written public notice had been provided, the NWMB held the two Sessions of Special Meeting No. 12 on the scheduled dates. Peary Caribou were discussed at length during the afternoon of September 27th and most of the day on September 28th. The regional delegates – along with all other meeting participants and interested members of the public – participated in those discussions.

December 2006: NWMB decisions concerning Peary Caribou

In a letter dated November 20th 2006, the NWMB confirmed to the GN, NTI, the RWOs and the HTOs that it would proceed as scheduled with its December 12th to 14th 2006 confidential decision-making session for Special Meeting No. 12. On the final day of that session, the Board made two decisions with respect to Peary Caribou – one dealing with the number of Peary Caribou populations in Nunavut, and another addressing the harvesting of the Somerset/Prince of Wales population. Pursuant to the terms of the NLCA, both of those decisions must remain confidential for the time being. As soon as they can be made public, the Board will provide copies to the Resolute Bay and Iviq HTOs.

January 2007: An NWMB invitation to the Resolute Bay and Iviq HTOs for further input into proposed Peary Caribou harvesting limitations

The NWMB declined, at that time, to make a further decision addressing the level of harvesting of Peary Caribou in the Queen Elizabeth Islands. Instead, the Board decided to consult once more with Resolute Bay and Grise Fiord prior to making its decision. This letter constitutes the first step in that consultation.

The Queen Elizabeth Islands include Ellesmere Island, Axel Heiberg Island, the Bathurst Island Archipelago, Devon Island and all other Queen Elizabeth Islands within Nunavut. The GN is proposing an overall level of harvesting of 66 for Peary Caribou in the Queen Elizabeth Islands. According to the best available evidence received to date by the NWMB (see the attached e-mail correspondence and kill return data forms – entitled, “*Queen Elizabeth Islands Peary Caribou Harvest Estimates, 2002 – 2006*”), the average harvest of Peary Caribou in the Queen Elizabeth Islands over the last five years (2002-2006) has been a total of 53 caribou per year. Accordingly, an annual TAH of 66 would amount to 13 more caribou each year than have been harvested, on average, in each of the last five years.

Should the NWMB establish a regional TAH for Peary Caribou, the Board is also required by the NLCA to determine a regional BNL. As mentioned on page 1 of this

letter, BNLs are calculated by formulas set out in the NLCA. In the case of Queen Elizabeth Islands Peary Caribou, the relevant formula is found in NLCA S.5.6.23(b):¹

- The NWMB shall calculate the BNL as the aggregate of the greatest regional amount harvested in any one year during the five years prior to the imposition of a TAH (2002-2006), and the average regional annual amount taken over the five years (1996–2001) of the Nunavut Wildlife Harvest Study (Harvest Study), which aggregate is then divided by two.

Using the relevant numbers from the Harvest Study for 1996-2001 and the relevant estimates supplied for 2002-2006 (see the attached "*NWMB BNL Calculation Document, January 19th 2007*") the BNL calculation is as follows:

- Greatest amount harvested in one year between 2002 and 2006 (2003): 84
- Average annual amount taken over the five years of the Harvest Study:
42.8
- 126.8 divided by two – the BNL is:
63.4

Subject to certain conditions, the NWMB is permitted by the NLCA to adjust the BNL up to the entire TAH. Should the Board make that adjustment, the adjusted BNL could equal the TAH proposed by the GN - 66 caribou per year.

Through this letter, the NWMB is asking both of your HTOs to consider providing further substantial input into the potential determination of an appropriate regional TAH and (adjusted) BNL for Peary Caribou in the Queen Elizabeth Islands. The Board is specifically extending the following three invitations to the Resolute Bay and Iviq HTOs:

1. Review once again the Peary Caribou TAH Order with respect to Peary Caribou in the Queen Elizabeth Islands, all of the evidence and justifications provided for that part of the Order by the GN, and the response materials submitted by NTI. All of those documents are in the *Binder for Special Meeting Number 12*. In addition, review the Queen Elizabeth Islands Peary Caribou harvesting information in the two documents accompanying this letter. If requested, the NWMB can promptly send you copies of any relevant documents that you don't have, including the Transcripts of the Special Meeting No. 12 discussion on September 27th and 28th 2006.
2. Should either HTO wish to prepare submissions regarding what constitutes a sustainable level of harvesting for Queen Elizabeth Islands Peary Caribou and/or an appropriate (adjusted) regional BNL, provide those written submissions - along with supporting evidence and justifications, including any

¹ See also NLCA S.5.6.23(a).

relevant Inuit Qaujimajatuqangit - to the NWMB, in either Inuktitut or English, by no later than 5:00 PM on February 23rd 2007.

3. Should you wish to prepare responses to any other submissions received by the NWMB on or before February 23rd 2007, including submissions from the GN, NTI or the RWOs, provide those written responses - along with supporting evidence and justifications, including any relevant Inuit Qaujimajatuqangit - to the NWMB, in either Inuktitut or English, by no later than 5:00 PM on March 23rd 2007.

Written materials may be delivered in person, by courier, by mail, by fax or by e-mail to the NWMB at the following coordinates:

NUNAVUT WILDLIFE MANAGEMENT BOARD
Parnaivik Building
P.O. Box 1379, Iqaluit, NU X0A 0H0
Fax: (867) 975-7320
E-mail: aaningmiuq@nwmb.com

Please ensure that all documents submitted are clearly marked as pertaining to *NWMB Special Meeting No. 12 – Queen Elizabeth Islands Peary Caribou*.

Please also keep in mind the following two essential points:

- The more reliable and persuasive your supporting evidence and justifications are, the more weight they will be given by the NWMB in the NLCA decision-making process; and
- The NWMB is permitted by the NLCA to review TAHs and BNLs from time to time and as circumstances require. If new or updated evidence arises (such as the completion in 2008 of the research and survey referenced in Jaypatee's December 11th letter), the NWMB can promptly review and consider adjustments to existing harvest levels.

Should your HTOs require technical assistance in preparing written materials for submission to the NWMB, the Board suggests that you seek such assistance from the Nunavut Inuit Wildlife Secretariat and/or the Qikiqtaaluk Wildlife Board. Please also note that the NWMB will provide other participants in the Special Meeting No. 12 process – most notably, the GN, NTI and the RWOs – an opportunity to respond in writing to any materials submitted by the Resolute Bay or Iviq HTOs.

If you have any questions or concerns regarding this letter, please do not hesitate to contact the NWMB.

Yours sincerely,



Joe Tigullaraq
Chairperson

c.c. Hon. Patterk Netser, Minister of Environment, Government of Nunavut
Paul Kaludjak, President, Nunavut Tunngavik Inc.
Jayco Aooloo, Vice-Chairperson, Qikiqtaaluk Wildlife Board
Phillip Kadlun, Chairperson, Kitikmeot Hunters and Trappers Association
David Aksawnee, Chairperson, Kivalliq Wildlife Board
Chairpersons, Nunavut Hunters and Trappers Organizations

NWMB BNL Calculation Document, January 19th 2007

COMMUNITY HARVEST DATA

Resolute Bay harvest data for QEI Peary Caribou from Harvest Study

Year

1	6	June 1996-May 1997
2	0	June 1997-May 1998
3	8	June 1998-May 1999
4	2	June 1999-May 2000
5	8	June 2000-May 2001
	24	24/5 = 4.8

Grise Fiord harvest data for QEI Peary Caribou from Harvest Study

Year

1	24	June 1996-May 1997
2	37	June 1997-May 1998
3	32	June 1998-May 1999
4	54	June 1999-May 2000
5	43	June 2000-May 2001
	190	190/5 = 38

Resolute Bay harvest estimate (2002-2006) for QEI Peary Caribou from HTO and GN

Year

2002	8	
2003	18	
2004	18	
2005	12	
2006	25	
	81	81/5 + 16.2

Grise Fiord harvest estimate (2002-2006) for QEI Peary Caribou from HTO and GN

Year

2002	35
2003	66
2004	25
2005	21
2006	36
	183

$183/5 = 36.6$

REGIONAL BNL

Regional (Resolute Bay and Grise Fiord) harvest data for QEI Peary Caribou from Harvest Study

Year		
1	30	June 1996-May 1997
2	37	June 1997-May 1998
3	40	June 1998-May 1999
4	56	June 1999-May 2000
5	51	June 2000-May 2001
	214	$214/5 = 42.8$

Regional (Resolute Bay and Grise Fiord) harvest estimate (2002-2006) for QEI Peary Caribou from HTO and GN

Year		
2002	43	
2003	84	
2004	43	
2005	33	
2006	61	
	264	$264/5 = 52.8$

5.6.23(a)/5.6.21(a)

1. average annual amount harvested over the five years of the NWHS: $214/5 = 42.8$
2. greatest amount harvested in one year during the harvest study (year 4): **56**
3. two amounts added together: $56+43= 98.8$
4. divided by 2: $98.8/2= 49.4$

5.6.23(b)

1. average annual amount harvested over the five years of the NWHS:**42.8**
2. greatest amount harvested in one year between 2002-2006 (2003): **84**
3. two amounts added together: $42.8+84 = 126.8$
4. divided by 2: $126.8/2 = 63.4$

The higher of the two calculations is 5.6.23(b) = $63.4 = 63$