

ューシィア トレイー トレイト トロロー トリート トロロー トリート Nunavunmi Anngutighatigut Aulapkaijitkut Katimajiat Nunavut Wildlife Management Board

ヘュ⋖ʹCムーσ ᠬ╸>PLゼで╸ ᢦᠬᠯᠬごᅬ ᢦᠫᠬᢗÞᠣᢝᠬ᠂᠘ᠴ᠘᠂ᠳ᠋₽Ბ᠘ᠳ᠋ᠳᠳ᠙᠘᠘᠃ᠳ᠙᠘᠘᠃ᠳ᠙᠘᠘᠃ᠳ᠙᠘᠘᠃ᠳ Tammaqtailinahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

Paul Kalujak

Tunngavik Inc.

President of Nunavut

May 19th 2010

Honourable Jim Prentice Minister of Environment Government of Canada

Jayko Alooloo Vice-Chairperson of the Qikiqtaaluk Wildlife Board Honourable Gail Shea Minister of Fisheries and Oceans Government of Canada

Peterosie Qappik Chairperson of the Pangnirtung Hunters & Trappers Organization

Re: Late filing of "best available information" by Environment Canada for the Nunavut Wildlife Management Board's Public Hearing to Consider the Proposed Species at Risk Act (SARA) Listing of Cumberland Sound Beluga as a Threatened Species

Dear Colleagues,

The Nunavut Wildlife Management Board (NWMB or Board) wrote to you all on March 19th 2010 that it would be holding a public hearing on June 22nd and 23rd 2010 in Pangnirtung, Nunavut, to consider the proposed legal listing of the Cumberland Sound beluga population as a threatened species under the federal *Species at Risk Act* (SARA). That correspondence went on to indicate that Environment Canada had earlier filed with the Board a *Proposal for NWMB Decision*, as well as a number of additional documents which comprised the best available information to date. The NWMB invited written, translated response submissions to the *Proposal for NWMB Decision*, to be filed by no later than 5:00 p.m. Eastern Time (ET) on May 18th 2010.

On May 17th 2010, Environment Canada filed an additional document ("Socio-Economic Analysis for Cumberland Sound Beluga"), which forms part of the "best available information" that is required by the 2008 Memorandum of Understanding between Canada and the NWMB (MOU)¹ to be filed with the Board prior to the commencement of the hearing process. See, for instance, clauses 3.9 to 3.11 of the MOU, a translated copy of which is attached to this letter.

The NWMB had indicated in its March 19th correspondence that, "unless persuasive written and translated reasons are provided to the Board for late filing, the NWMB will not consider materials for this hearing that are not filed on time." Nevertheless, the additional document was not accompanied by reasons for the late filing.

The delivery of all written materials to a public hearing within a particular time frame is an important requirement of the NWMB hearing process. Although it is clearly necessary from an

¹ A Memorandum of Understanding to Harmonize the Designation of Rare, Threatened and Endangered Species Under the Nunavut Land Claims Agreement and the Listing of Wildlife Species at Risk Under the Species at Risk Act.

administrative perspective - facilitating as it does the Board's efforts at running a timely and efficient hearing - the primary value of meeting filing deadlines is to ensure fairness to all parties.

In order to meet the highest standards of procedural and substantive fairness in its hearings, the NWMB is of the view that other parties require an opportunity to consider whether the late filing of best available information is unfair to them, to be able to raise any objections and — if there are objections — to set out recommended measures to fairly address any resulting prejudice to them.

In an effort to maintain efficiency, timeliness and – most importantly - fairness, the NWMB has decided to proceed as follows:

- Accompanying this letter is a translated copy of the "Socio-Economic Analysis for Cumberland Sound Beluga" (report). The Board is hereby extending an invitation to your department or organization to provide written submissions and supporting documentation in response to the report. All written materials must be filed with the NWMB – in English and Inuktitut – by no later than 5:00 p.m. ET on June 9th 2010.
- However, if any party has an objection to the three week timeline established by the NWMB for delivery of a translated response submission and supporting documentation, the Board is providing until no later than 5:00 p.m. ET on June 2nd 2010 to deliver – in English and Inuktitut - the written objection, supporting reasons and recommended measures to fairly address the resulting prejudice to that party.
- Once the deadline for delivery of objections has passed and if any objection has been filed - the NWMB will decide how to fairly proceed, and will promptly notify all of the hearing parties of its decision. If no objections are filed, the June 9th deadline for receipt of response submissions remains, as do the dates for the oral hearing (June 22nd and 23rd).

Please take careful note that, unless persuasive written and translated reasons are provided to the Board for late filing, the NWMB will not consider written objections or response submissions for this hearing that are not filed on time.

Written objections or response submissions may be filed with the Board in person, by courier or by mail. They should be clearly marked as pertaining to the NWMB Hearing on the proposed SARA listing of Cumberland Sound beluga. Delivery may also be made through fax or electronic transmission, but only if you or your organization confirms by phone with the NWMB – by no later than 5:00 p.m. ET on the date the objection or response submission is due – that a complete and legible copy of the transmission has been received by the Board. Materials are deemed to have been filed on the actual day of receipt by the NWMB. The Board recommends that a copy of any document filed with the NWMB be delivered, at the same time, to all of the other parties.

If you require further information, please do not hesitate to contact the NWMB.

Yours sincerely,

Willie Nakoolak, Acting Chairperson of the Nunavut Wildlife Management Board

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Attachments (2)

c.c. Richard Connelly, Executive Director of the Nunavut Inuit Wildlife Secretariat, for distribution to the Chairpersons of Nunavut's Hunters and Trappers Organizations and Regional Wildlife Organizations;

Gabriel Nirlungayuk, Director of Wildlife, Nunavut Tunngavik Inc.;

Virginia Poter, Director General, Environment Canada, Canadian Wildlife Service;

Eric Kan, Area Director - Eastern Arctic Region, Department of Fisheries and Oceans