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Nunavunmi Anngutighatigut Aulapkaijitkut Katimajiat
Nunavut Wildlife Management Board

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Tammaqtailinahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

June 22nd 2012

Honourable Keith Ashfield
Minister of Fisheries
and Oceans
Government of Canada

Cathy Towtongie
President of Nunavut
Tungavik Inc.

Honourable James Arreak
Minister of Environment
Government of Nunavut

Ross Tatty
Chairperson of the
Kivalliq Wildlife Board

Attima Hadlari
Chairperson of the
Kitikmeot Regional
Wildlife Board

James Qillaq
Chairperson of the
Qikiqtaaluk Wildlife Board

Chairpersons of the Nunavut
Hunters and Trappers
Organizations
c/o Richard Connelly
Executive Director of the Nunavut
Inuit Wildlife Secretariat

Jobie Tukkiapik
President of Makivik Corp.

Dear Colleagues:

Re: Consideration of basic needs levels for narwhal in two Nunavut Wildlife Management Board public hearings

The Nunavut Wildlife Management Board (NWMB or Board) has recently scheduled two public hearings, both of which partially address the same issue – the establishment of basic needs levels (BNLs) for narwhal. While none of the parties in either hearing has raised any concerns about this overlap, the NWMB has decided that it would be procedurally unfair to continue to maintain a situation in which two separate hearings receive submissions and produce decisions on precisely the same issue.

By way of background, on May 1st 2012, the NWMB announced the re-instatement of its public hearing to establish BNLs for beluga, narwhal and walrus in the Nunavut Settlement Area, pursuant to Section 5.6.25 of the *Nunavut Land Claims Agreement* (NLCA S.5.6.25 hearing). The hearing - originally scheduled to take place on March 27th and 28th 2012 – was re-scheduled to September 11th and 12th 2012.¹ The NWMB provided two opportunities to file written submissions for this hearing. The deadline for initial submissions was May 31st 2012. Responses to those submissions are due by no later than July 6th.

¹ For a detailed explanation of reasons for adjournment and reinstatement of the hearing, see the NWMB letters to the parties, dated January 30th 2012 and May 1st 2012.

Meanwhile, on May 25th 2012, the NWMB announced another public hearing - to be held from July 24th to 26th - to consider a *Proposal for Decision* from the Department of Fisheries and Oceans (DFO Proposal), to approve an “*Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area*” (IFMP hearing). The DFO Proposal includes requests for a total of 12 decisions from the NWMB relating to the establishment of total allowable harvests (TAHs), non-quota limitations and BNLs. Written submissions are due by no later than July 4th. This latter hearing is scheduled to take place ahead of the NLCA S.5.6.25 hearing because of the perceived urgency to have the approved IFMP implemented in time for the 2013 harvesting season.

It is clear that the NWMB must make only one decision or set of decisions with respect to the BNL(s) for narwhal. While it is likely that the same parties will be participating in both hearings, that is not guaranteed. There may also be differences in the oral and written BNL submissions delivered at the two hearings. As a result, there is a chance that the NWMB’s eventual narwhal BNL decision or set of decisions could be partially based upon evidence and/or arguments that one or more parties did not receive – and therefore did not have an opportunity to consider and respond to.

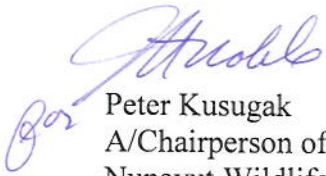
Accordingly, in order to maintain the highest standard of procedural fairness in the circumstances, the NWMB has decided upon the following course of action:

1. Recognizing that the NLCA S.5.6.25 hearing is entirely focused on the BNL issue, and that initial written submissions for that hearing have already been filed (on May 31st 2012), the establishment of the BNL(s) for narwhal will henceforth be solely addressed in the context of the NLCA S.5.6.25 hearing.
2. The IFMP hearing will continue to address all of the other issues set out in the DFO Proposal, and the NWMB will make all but one of the 12 requested decisions at its IFMP decision meeting, currently scheduled to take place during the week of August 13th 2012.
3. The deadline for filing written submissions for the IFMP hearing is July 4th. The Board directs that IFMP written submissions addressing the BNL(s) for narwhal be segregated from all other IFMP submissions, and be filed by July 4th as NLCA S.5.6.25 submissions.
4. If, as a result of the direction in paragraph 3 above, an IFMP party requires additional time to segregate its written submissions addressing the BNL(s) for narwhal and to file them as NLCA S.5.6.25 submissions, the NWMB will consider a written request received by no later than June 27th for a reasonable extension to the July 4th filing deadline.
5. If an NLCA S.5.6.25 hearing party wishes to file response submissions to any submissions filed pursuant to paragraphs 3 and 4 above, the Board will consider a written request for a reasonable time period to prepare and file those response submissions. The written request must be delivered to the NWMB by no later than July 11th – or, alternatively, by no later than 7 days following a Board extension to the original July 4th filing deadline.

6. The NWMB will make its narwhal BNL decision(s) following the September 2012 NLCA S.5.6.25 hearing, with the intention to have the approved IFMP implemented in time for the 2013 harvesting season.

The Board apologizes for any inconvenience caused by the necessary procedural adjustments set out above. If you or your officials have any questions or concerns, please do not hesitate to contact the NWMB directly.

Yours sincerely,



Peter Kusugak
A/Chairperson of the
Nunavut Wildlife Management Board

- c.c. Gabriel Nirlungayuk, Director of Wildlife, Nunavut Tunngavik Inc.;
Glenn Williams, Wildlife Advisor, Nunavut Tunngavik Inc.;
Bert Dean, Senior Policy Advisor, Nunavut Tunngavik Inc.;
David G. Burden, A/Regional Director General, Department of Fisheries and Oceans;
Keith Pelley, A/Director, Eastern Arctic Area, Department of Fisheries and Oceans;
Kathy Fisher, Division Manager, Resource Management and Aboriginal Affairs,
Department of Fisheries and Oceans;
David Akeegok, Deputy Minister, Nunavut Department of Environment;
Wayne Lynch, Director of Fisheries and Sealing, Nunavut Department of Environment;
Stas Olpinski, Science and Policy Advisor, Nunavik Marine Region Wildlife Board;
Johnny Oovaut, Chairperson, Nunavik Marine Region Wildlife Board; and
Mark O'Connor, Director of Wildlife Management, Nunavik Marine Region Wildlife Board.