SUBMISSION TO THE

NUNAVUT WILDLIFE MANAGEMENT BOARD

FOR

Information: ____ **Decision:** __X__

Issue: Government of Nunavut request for support from NWMB to seek amendments to Section 24 of the Nunavut Act

Background: On August 16th 2011, the Government of Nunavut-Department of Environment (GN-DoE) requested support from the Nunavut Wildlife Management Board (NWMB or Board) and Nunavut Tunngavik Incorporated (NTI) to proceed with seeking amendments to Section 24 of the Nunavut Act by approaching the federal government.

Section 24 of the Nunavut Act states: *"The Legislature may not make laws…that restrict or prohibit Indians or Inuit from hunting…for food game other than game declared by order of the Governor in Council to be game in danger of becoming extinct."*

GN-DoE specifies in its request that Section 24 of the Nunavut Act is limiting the ability of GN-DoE to implement decisions of the NWMB as per the Nunavut Land Claims Agreement (NLCA) as GN-DoE does not have the authority to implement decisions pertaining to species that have not been declared *"…by order of the Governor Council to be game in danger of becoming extinct"*[1]. GN-DoE also indicated that the past system of declaring species "in danger of becoming extinct" has been replaced by the federal Species at Risk Act (SARA).

This issue is not a new situation and arose during the development of the Nunavut Wildlife Regulations, which lead to the GN and NTI signing a one year agreement to resolve the issue in March 2006, although the issue remains to be resolved.

Recommendation: It appears that in order to allow the full implementation of NWMB decisions as per the NLCA, a change to Section 24 of the Nunavut Act is required. It is recommended that the NWMB indicate support to GN-DoE in proceeding with an approach to amended Section 24 of the Nunavut Act and that the NWMB indicate that it is prepared to participate or assist in this process, if requested by the GN and/or NTI.

Prepared By: Adam Schneidmiller, Director of Wildlife Management

Date: August 23rd, 2011

[1] As an example grizzly bear and wolverine are species that have not been declared "to be game in danger of becoming extinct";