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

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

Jobie Tukkiapik
President of
Makivik Corporation

Dear Colleagues:

Re: Notice of indefinite postponement of the Nunavut Wildlife Management Board's public hearing to establish the basic needs levels for beluga, narwhal and walrus

On December 22nd 2011, the Nunavut Wildlife Management Board (NWMB or Board) sent you a letter notifying you of a public hearing to establish the basic needs levels for beluga, narwhal and walrus in the Nunavut Settlement Area, to be conducted in Iqaluit on March 27th and 28th 2012 (refer to attachment). The letter also extended an invitation to your department or organization to provide up to two sets of written submissions and supporting documentation concerning the public hearing, in which the deadlines for submissions were the following: (1) initial submissions on February 9th 2012; and (2) reply submissions on March 13th 2012.

On January 19th 2012 the NWMB received a letter (refer to attachment) from Nunavut Tunngavik Incorporated (NTI) requesting an adjournment of the public hearing to provide time for NTI to explore with the federal Department of Fisheries and Oceans (DFO) a resolution of this significant issue by way of an amendment to the *Nunavut Land Claims Agreement* (NLCA).

As time was of the essence in responding to this request and initial submissions for the hearing were due on February 9th 2012, the NWMB held a pre-hearing conference call on Thursday, January 26th at 2:00 p.m. that was attended by one representative from each of the hearing parties.

Following the pre-hearing conference call the NWMB held a teleconference on Friday, January 27th 2012 to consider all of the comments and/or recommendations received from the pre-hearing conference call, and to make a decision on whether to continue to hold the hearing on March 27th and 28th or to adjourn it to a later date (pending the outcome of the proposed NTI-DFO discussions). The NWMB made the following decision:

"RESOLVED that the NWMB approve the request by Nunavut Tunngavik Incorporated to adjourn the public hearing concerning the establishment of Inuit basic needs levels for beluga, narwhal and walrus in the Nunavut Settlement Area for an indefinite period of time"

The NWMB felt that an indefinite adjournment of the public hearing would be the best available option to allow a reasonable opportunity for NTI and DFO to consider addressing the subject matter of the public hearing by way of an amendment to the NLCA.

The NWMB will be issuing a public notice of adjournment of the public hearing on February 3rd 2012 to notify the public of the adjournment (refer to attachment). Please be advised that the adjournment of the public hearing includes the indefinite postponement of the deadlines for the filing of written submissions. The NWMB will, in due course, inform you and issue another public notice announcing either that it has established new dates for the public hearing and the filing of submissions, or that the hearing is cancelled because the NLCA parties are proceeding to address the matter by way of an amendment to the NLCA.

Should you have any questions or concerns regarding this letter, please do not hesitate to contact the NWMB at your convenience.

Yours sincerely,



Mikidjuk Akavak
Chairperson of the
Nunavut Wildlife Management Board

Attachments (3)

c.c. Eric Kan, Area Director-Eastern Arctic Area, Department of Fisheries and Oceans;
Kathy Fisher, Division Manager-Resource Management and Aboriginal Affairs,
Department of Fisheries and Oceans;
Gabriel Nirlungayuk, Director of Wildlife, Nunavut Tunngavik Incorporated;
Bert Dean, Senior Policy Advisor, Nunavut Tunngavik Incorporated;
David Akeeagok, Deputy Minister, Nunavut Department of Environment;
Drikus Gissing, Director of Wildlife, Nunavut Department of Environment; and
Richard Connelly, Executive Director of the Nunavut Inuit Wildlife Secretariat, for
distribution to the Chairpersons of Nunavut's Hunters and Trappers Organizations;
Johnny Peters, Vice President of Renewable Resources, Makivik Corporation



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

The hearing will take place on March 27th and 28th 2012, in Iqaluit at the Koojesse Room of the Frobisher Inn. The hearing will be conducted each day from 9:00 a.m. to 12:00 p.m. and

from 1:30 p.m. to 5:00 p.m. The NWMB may also hold one or more evening sessions from 7:00 p.m. to 9:00 p.m.

The Board is prepared to pay travel and accommodation costs for attendance by up to six (6) Distinguished Elders and six (6) Regional Wildlife Organization/Hunters and Trappers Organization representatives (twelve (12) delegates in total). Selection of those representatives will be decided by the Regional Wildlife Organizations. If other representatives of Inuit harvesters wish to attend, the NWMB has no further funding available, but will – if requested, and to the extent reasonably possible – make arrangements for electronic attendance at the hearing.

The hearing rules and a number of additional documents comprising the best available information to date will be available for download from the NWMB's website (www.nwmb.com) by no later than January 9th 2012, or by contacting the NWMB at the following coordinates:

NUNAVUT WILDLIFE MANAGEMENT BOARD

Parnaivik Building
P.O. Box 1379, Iqaluit, NU, X0A 0H0
Phone: (867) 975-7300
Fax: (867) 975-7320
E-Mail: receptionist@nwmb.com

Through this letter, the NWMB is extending an invitation to your department or organization to provide up to two (2) sets of written submissions and supporting documentation concerning the establishment of the basic needs levels for beluga, narwhal and walrus in the Nunavut Settlement Area.

The first set of written submissions and supporting documentation (**initial submissions**) must be filed with the NWMB, in English and Inuktitut, by no later than 5:00 p.m. (Iqaluit time) on February 9th 2012.

The second set of written submissions and supporting documentation (**reply submissions**) – provided in response to submissions filed as of February 9th 2012 - must be filed with the NWMB, in English and Inuktitut, by no later than 5:00 p.m. (Iqaluit time) on March 13th 2012.

Subject to relevant confidentiality or privacy concerns, all submissions will be placed on the NWMB's website, and will be available for download, within one business day after they are filed with the Board.

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

Initial and reply submissions, and their supporting documentation may be filed with the Board in person, by courier or by mail. They should be clearly marked as pertaining to the *NWMB Hearing for Beluga, Narwhal and Walrus*. Delivery of the materials may also be made through fax or electronic transmission, but only if your department or organization confirms by phone with the NWMB - prior to each filing deadline - 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.

Please keep in mind that the more thorough, reliable and persuasive submissions and supporting documentation are, the more weight they will be given by the NWMB in the *Nunavut Land Claims Agreement* decision-making process.

If you require further information, please do not hesitate to visit the NWMB website or to contact the Board directly.

Yours sincerely,



Mikidjuk Akavak,
Chairperson of the
Nunavut Wildlife Management Board

c.c. Gabriel Nirlungayuk, Director of Wildlife, Nunavut Tunngavik Inc.;
Bert Dean, Senior Policy Advisor, Nunavut Tunngavik Inc.;
Keith Pelley, A/Area Director, Eastern Arctic Area, Department of Fisheries and Oceans;
Kathy Fisher, Division Manager, Resource Management and Aboriginal Affairs, Department of Fisheries and Oceans;
David Akeeagok, Deputy Minister, Nunavut Department of Environment; and
Drikus Gissing, Director of Wildlife, Nunavut Department of Environment



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Atungayag

Chief Executive Officer

January 19, 2012

Mikidjuk Akavak,
 Chairperson,
 Nunavut Wildlife Management Board
 Box 1379
 Iqaluit NU
 X0A 0H0

Dear Mr Akavak:

Re: Request for adjournment of the public hearing set for March 27-28, 2012 in Iqaluit to establish the basic needs levels for beluga, narwhal and walrus

I am writing on behalf of Nunavut Tunngavik Incorporated (NTI) to request that the Nunavut Wildlife Management Board (NWMB) adjourn the public hearing currently set for March 27-28, 2012, so as to provide time for NTI to explore with the federal Department of Fisheries (DFO) resolution of this long-outstanding issue by way of an amendment to the *Nunavut Land Claims Agreement (NLCA or Agreement)*.

As you know, the *NLCA* originally required basic needs levels (BNLs) to be set for beluga, narwhal and walrus with regard to the factors identified in section 5.6.25 of the *NLCA* by July 9, 1994. The Agreement was amended in 1996 to provide until the end of March, 1997 to complete the necessary work.

NTI has been encouraging the Board to proceed with the setting of these BNLs, despite the fact that the time for doing so under the Agreement has passed. Until recently, this seemed to NTI the only practical way forward. It remains NTI's view that, should the parties to the *NLCA* not be able to resolve this issue by means of an *NLCA* amendment, the Board should proceed to set BNLs for these species under 5.6.25 as currently written. However, in the course of preparing its submission for the March public hearing, NTI has recognized that a further amendment to the Agreement can, if achieved, provide a better way forward respecting this matter.

On reflection, NTI is persuaded that it should be possible for NTI and DFO to develop an amendment that provides more guidance than does s. 5.6.25 as to how the priority access to wildlife that is assured to Inuit under the Agreement should work in the case of these three species. Narwhal, for example, are reserved for harvest by Inuit under the *Marine Mammals Regulations*. Similar treatment is already provided for the harvest of furbearers under s. 5.6.12 of

the Agreement. If there are ancillary issues that need to be addressed, the vehicle of an Agreement amendment offers the parties more flexibility to do so than the current 5.6.25.

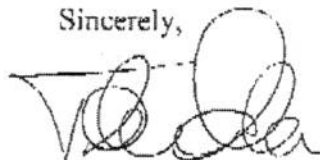
NTI proposes that the NWMB adjourn the hearing without setting a new date at this time, but on the understanding that a new date will be set if either NTI or DFO requests after June 1 that the hearing proceed. This will provide a minimum period of approximately four months for the parties to discuss a suitable amendment.

Of course, NTI is not in a position to assure the Board that an amendment will be obtained. In NTI's considered view, however, the modest amount of additional time that NTI proposes to devote to this matter is likely to be worth taking. NTI will provide DFO with a proposed draft amendment before February 23, 2012, when the first meeting of the Nunavut Fisheries Operations Committee is scheduled, and will propose to initiate discussions with DFO while DFO's representatives are in Iqaluit for the meeting.

NTI asks that, if possible, the Board make its decision regarding an adjournment by January 31, and inform the parties.

NTI is not aware of any material prejudice to DFO or any other affected party that could result from the Board's granting of the adjournment on the terms requested. NTI hopes that the Board agrees that adjourning the hearing on these terms would offer the best opportunity available to resolve this matter in a clear and appropriate manner.

Sincerely,



Terry Audla
Chief Executive Officer
Nunavut Tunngavik Incorporated

CC by facsimile

David Balfour, Associate Deputy Minister, Department of Fisheries and Oceans,
Government of Canada, Ottawa

Eric Kan, Area Manager Nunavut, Department of Fisheries and Oceans, Government of
Canada, Iqaluit

RWO Presidents



NOTICE OF ADJOURNMENT OF NUNAVUT WILDLIFE MANAGEMENT BOARD PUBLIC HEARING

By notice on January 6th 2012, the Nunavut Wildlife Management Board (NWMB) announced that it would conduct a public hearing concerning the establishment of Inuit basic needs levels for beluga, narwhal and walrus in the Nunavut Settlement Area. The notice stated that interested organizations or persons were invited to file two sets of written submissions with the NWMB, by no later than February 9th and March 13th 2012, respectively. The notice also stated that the public hearing would take place on March 27th and 28th 2012, in Iqaluit at the Koojesse Room of the Frobisher Inn.

Notice is provided on February 3rd 2012 that the NWMB has decided to adjourn this public hearing, including the filing of written submissions, for an indefinite period of time. The adjournment decision is in response to a written request from Nunavut Tunngavik Inc. (NTI), to allow an opportunity for NTI and Fisheries and Oceans Canada to consider addressing the subject matter of the public hearing by way of an amendment to the *Nunavut Land Claims Agreement* (NLCA).

Please be advised that the NWMB will, in due course, issue another Notice announcing either that it has established new dates for the hearing and the filing of submissions, or that the hearing is cancelled because the NLCA parties are proceeding to address the matter by way of an amendment to the NLCA.

How to obtain more information:

To receive more information regarding the adjournment of the public hearing, please do not hesitate to contact the NWMB:

NUNAVUT WILDLIFE MANAGEMENT BOARD
P.O. Box 1379, Iqaluit, NU X0A 0H0
Phone: (867) 975-7300
Fax: (867) 975-7320
Email: receptionist@nwmb.com
Website: www.nwmb.com