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PREAMBLE:

Jurisdiction of the NWMB

The Nunavut Wildlife Management Board (“NWMB” or “Board”) was established under Section 5.2.1 of *The Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* (“*Nunavut Agreement*”) as an Institution of Public Government empowered to make wildlife management decisions affecting the Nunavut Settlement Area.

As the main instrument of wildlife management within the Nunavut Settlement Area, the conduct of the NWMB is guided by the principles and objectives outlined for the Wildlife Management System within Article 5 of the *Nunavut Agreement*, as complemented by general rules governing procedural fairness.

The Wildlife Management System:

- is governed by the principles of conservation outlined within the *Nunavut Agreement*;
- fully acknowledges and reflects the primary role of Inuit in wildlife harvesting;
- serves and promotes the long-term economic, social and cultural interests of Inuit;
- integrates the management of all species of wildlife as far as practicable;
- invites public participation, and promotes public confidence, particularly amongst Inuit.

Functions of the NWMB

Recognizing that Government retains ultimate responsibility for wildlife management, Section 5.2.33 of the *Nunavut Agreement* establishes that the NWMB shall function as the main instrument of wildlife management, and main regulator of access to wildlife, within the Nunavut Settlement Area.

In addition, the NWMB:

- is required to take an informed and effective role in wildlife research and direction under Section 5.2.37 of the *Nunavut Agreement*;
- provides advice on wildlife management in the marine areas adjacent to the Nunavut Settlement Area under Article 15 of the *Nunavut Agreement*.
- at its discretion, may perform additional functions outlined in Section 5.2.34 of the *Nunavut Agreement*, including the management and protection of wildlife and wildlife habitat within the Nunavut Settlement Area.

The NWMB has the jurisdiction to hold hearings, consider evidence from parties, and make wildlife management decisions related to the Wildlife Management System, including establishing, modifying or removing Total Allowable Harvests (“TAH”) and Non-Quota Limitations (“NQL”) under Part 6 of Article 5 of the *Nunavut Agreement*.

In the exercise of its functions, the NWMB incorporates:

- the principles of conservation in section 5.1.5 of the *Nunavut Agreement*, interpreted in light of the principles and objectives of Article 5;
- procedural fairness;
- both western scientific information and Inuit Qaujimajatuqangit; and
- the best available relevant Information.

The NWMB conducts its business in Inuktitut and in English, with interpretation or translation as appropriate.

DRAFT

Rules of Procedure

(Draft: May 14, 2025)

Part I: General

Power to Make Rules of Procedure

1. Under the authority granted to it by Section 5.2.23 of the *Nunavut Agreement*, the Nunavut Wildlife Management Board (“NWMB”) hereby adopts these Rules of Procedures, which shall replace the NWMB Governance Manual (2012) and any other NWMB Rules of Procedure in effect.
2. These Rules shall be made available in Inuktitut and in English.

Citation

3. These Rules may be cited as the “NWMB Rules of Procedure (2025)” or “Rules”.

Definitions

4. In these Rules:

“*Advisor*” means the Board's legal advisor or third-party subject matter expert.

“*Agenda*” means the list of applications and meeting submissions accepted to be considered by the NWMB at its proceedings.

“*Application*” means a submission to the NWMB requesting a decision subject to Part 3, Article 5 of the *Nunavut Agreement* or advice subject to section 15.3.4 of the *Nunavut Agreement*.

“*Applicant*” means the party submitting the application.

“*Appointing Agency*” means a Designated Inuit Organization or a Government department that is responsible for appointing a member of the NWMB under section 5.2.1 of the *Nunavut Agreement*.

“*Board*” means the Nunavut Wildlife Management Board comprised of appointed members, established pursuant to Article 5.2.1 of the *Nunavut Agreement* and, for the purposes of these Rules, may also include a duly appointed Executive Committee of the Board to which the Board has delegated its functions.

“*Chair*” means the chairperson appointed under Section 5.2.1(d) of the *Nunavut Agreement*.

“*Co-management Partner*” means Nunavut Inuit Organizations including Nunavut Tunngavik Incorporated (NTI), Regional Wildlife Organizations (RWOs), Hunters and Trappers Organizations (HTOs) and Regional Inuit Associations (RIAs), federal and Nunavut territorial government departments with jurisdiction over wildlife, and the NWMB.

“*Consultation*” means the Crown's Duty to Consult with Indigenous rights-holders where it contemplates decisions or actions that may impact Indigenous rights; and the duty of fairness of all participants to inform all Co-Management Partners and affected stakeholders where actions contemplated may impact their rights or jurisdiction.

“*Deliberations*” occur when the Board adjourns a proceeding to privately consider and discuss an application or other matter. The Board and staff attend deliberations, and the Board may invite one or more of its Advisors.

“*Decision*” means a decision adopted by the NWMB, subject to the decision-making procedures outlined under Part 3, Article 5 of the *Nunavut Agreement*.

“*Distribution List*” refers to an NWMB mailing that includes co-management partners, interested individuals, and organizations, maintained by the NWMB.

“*Engagement*” occurs when a co-management partner or other parties interacts with relevant government organizations and affected parties to inform them, seek feedback and if necessary, adjust their proposed Application to the NWMB.

“*Hearing Record*” means the documentation of a proceeding, including submissions, evidence, arguments, in-person hearing transcripts, or hybrid hearing minutes, that the Board relies on to make a decision.

“*Hearing Submission*” means a written document or statement to the NWMB during an in-person or hybrid hearing. Deadlines for hearing submissions are set by the NWMB.

“*Hybrid Hearing*” or “*Hybrid Public Hearing*” means a public hearing where parties and the public are invited to attend in-person or join remotely through an electronic system—such as a videoconference or teleconference—to make submissions to the NWMB.

“*In-Camera Meeting*” means a closed meeting of the Board when the Board meets and makes a decision under Article 5 or provides advice under Article 15.

“*In-person Public Hearing*” or “*In-person Hearing*” means a public hearing where parties and the public are invited to attend in person and make oral submissions in person to the NWMB.

“*Internal In-Camera Meeting*” means an NWMB meeting to review, discuss and resolve sensitive matters or the internal business of the NWMB.

“*Member*” means a member of the NWMB as appointed under the *Nunavut Agreement*.

“*Meeting Week*” means the week when the NWMB is in session. When in session, the NWMB considers applications for decisions, submissions for advice, and information updates related to wildlife management.

“*NWMB*” means the Nunavut Wildlife Management Board as an institution, operating under the direction of the Board.

“*Party*” means a person or organization with Standing to participate in an NWMB public hearing.

“*Proceedings*” means any meeting, hearing, or formal process held by the NWMB where co-management partners or other parties present information or arguments on matters under the Board’s jurisdiction. This includes public hearings, regular meetings, decision-making meetings, Internal in-camera meetings or other sessions where matters related to wildlife management in the Nunavut Settlement Area are addressed.

“*Public Hearing*” means an NWMB proceeding described in section 5.2.26 of the *Nunavut Agreement* to make a decision related to Inuit or other Indigenous peoples’ rights of the *Nunavut Agreement*.

“*Registry*” means the electronic repository where the NWMB officially stores all records, including submissions and other documents, filed with or issued by the NWMB and related to a proceeding on the NWMB agenda. The registry is publicly accessible via the internet.

“*Regular Meeting*” means a proceeding during which the NWMB receives Applications and hears oral evidence and arguments in order to provide advice under Article 15 of the *Nunavut Agreement*. The Regular Meeting is also a proceeding where the Board receives updates or information on wildlife and habitat management, including updates on the implementation of previously approved management plans.

“*Staff*” means the employees of the NWMB operating under the direction and supervision of the Executive Director.

“*Standing*” in a hearing means that an individual or organization has the right to participate either as a Co-Management Partner or because they were granted standing because they may be affected by the matter under consideration.

“*Submission*” or “*Meeting submission*” means information provided to the NWMB related to an issue within the NWMB’s jurisdiction.

“*Technical Advisor*” means the staff member or advisor of an appointing agency who was designated to attend NWMB proceedings as a non-voting observer.

“*Written Hearing*” means a public hearing in which participation is limited to written submissions from parties and the public to the NWMB.

“*Wildlife Management System*” means the Wildlife Management System described in section 5.1.3(b)(vi) of the *Nunavut Agreement*.

“*Virtual Hearing*” means when the Board holds a hearing virtually, either through a videoconference and/or teleconference, where parties and the public are invited to make oral submissions virtually to the NWMB.

Application of these Rules

5. These Rules shall apply to all proceedings conducted by the NWMB and shall be interpreted and applied as a whole, in light of other policies of the NWMB, in a manner that seeks to fulfill the principles and objectives of the *Nunavut Agreement*.
6. In keeping with the spirit and intent of the *Nunavut Agreement*, the NWMB shall conduct its proceedings informally.
7. On its own initiative or on request, the NWMB may, where it considers it necessary and appropriate:
 - (a) delegate certain administrative and procedural functions under these Rules;
 - (b) vary, supplement, modify, or make exceptions to these Rules;
 - (c) make exceptions or modifications to deadlines or other timelines it establishes; or,
 - (d) amend or vary these Rules in the course of its normal operations.
8. Where there is a conflict between these Rules and procedural directions issued by the Board on a specific matter, the procedural direction shall prevail.
9. In the event of non-compliance with these Rules the NWMB may choose to:
 - (a) issue notice to the non-conforming party with direction to remediate the non-compliance;
 - (b) adjourn or suspend consideration of a matter until the non-compliance is rectified; or,
 - (c) take any other actions it considers reasonable and appropriate in the circumstances.

Part II: Types of NWMB Proceedings

Meetings

10. The NWMB shall conduct its business through proceedings of its Members within the categories described below:

Regular Meetings (RM)

11. The NWMB shall schedule Regular Meetings to review requests for advice on the sustainable management of wildlife resources in Zone I and II, outside of the Nunavut Settlement Area. Regular Meetings will also be scheduled to receive information and updates pertaining to the general management of wildlife in the Nunavut Settlement Area and adjacent waters.
12. Regular Meetings are open to Co-management Partners and the public.
13. Co-Management Partners and other interested persons may be invited to present or speak at Regular Meetings.
14. Members and NWMB Staff may ask questions and provide comments related to Regular Meeting Submissions.
15. The Chair may ask its Advisor(s) to ask questions or comments about the Submission.
16. Remote attendance by video or teleconference may be made available and shall be encouraged.
17. Board Members shall attend Regular Meetings in-person and may attend remotely in exceptional circumstances.

In-Camera Meetings (IC)

18. The NWMB shall schedule an In-Camera Meeting when making decisions under Article 5 of the *Nunavut Agreement* or when providing advice under Article 15 of the *Nunavut Agreement*.
19. Members shall not receive new arguments or new information during an In-Camera Meeting that was not part of the Public Hearing or Regular Meeting. Members may adjourn the In-Camera Meeting to receive additional arguments and information.
20. Technical advisors from an appointing agency may attend In-Camera Meetings as a non-voting observer.

Internal In-Camera Meetings (INT)

21. The NWMB may schedule an Internal In-Camera Meeting to decide on confidential and sensitive matters, administrative matters, or financial, personal, and other matters of the NWMB.
22. Participation at Internal In-Camera meetings shall be limited to the Members and Staff and such other individuals as the Board deems necessary or appropriate to deal with the issues under consideration.
23. Decisions made at Internal In-Camera meetings shall be recorded in a manner that accurately reflect the decisions of the NWMB while maintaining necessary confidentiality on the matter under consideration.

Other Meetings (OM)

24. The NWMB may convene any Other Meetings they deem necessary to satisfy the NWMB's responsibilities under the *Nunavut Agreement*.

Public Hearings

25. All Applications pursuant to Article 5 of the *Nunavut Agreement* received will be considered at an NWMB Public Hearing.
26. The NWMB will determine the form of Public Hearing that is appropriate for each Application it receives which may include:
 - (a) In-person hearing, which offers the highest degree of procedural fairness;
 - (b) Hybrid hearing, which combines in-person and remote features;
 - (c) Virtual hearing, which allows participants to join an NWMB hearing remotely, either through videoconference and/or teleconference; and,
 - (d) Written hearings, which provides opportunity to participate exclusively through written submissions to the NWMB.

Factors for calling and determining the form of public hearings:

27. The NWMB may consider the following factors when deciding whether to call a Public Hearing and determining the form of Public Hearing:
 - (a) In-person public hearings:
 - i. The species is culturally, socially or economically important to Inuit;
 - ii. The requested decision may restrict Inuit harvesting rights;
 - iii. A total allowable harvest is being considered for the first time or has not been considered in a long time, or if a total allowable harvest exists and a significant decrease to the total allowable harvest is being proposed;
 - iv. The issue was last considered in an in-person public hearing.

- (b) Hybrid public hearings:
 - i. The species is not as culturally, socially or economically significant to Inuit;
 - ii. The potential impact to harvesting rights is less significant;
 - iii. The issue has been considered recently, or if a total allowable harvest exists, an increase to the total allowable harvest is being proposed;
 - iv. The issue is a Non-quota limitation or a plan for the management or recovery of a particular wildlife;
 - v. Party participation is enhanced by limiting travel.
- (c) Virtual public hearing:
 - i. The species is not as culturally, socially or economically significant to Inuit;
 - ii. Virtual participation is sufficient to gather the necessary information for an informed decision;
 - iii. The species or issue under consideration affects a limited geographic area or a smaller number of harvesters.
- (d) Written public hearings:
 - i. The issue is primarily legal or technical in nature;
 - ii. The potential impact to Inuit harvesting rights is limited;
 - iii. The Parties represented are able to effectively represent their interests on the issues in writing;
 - iv. Party participation is enhanced by limiting travel costs.

Preparing for public hearings:

- 28. Under the supervision of the Chair, NWMB staff receive and review Applications to prepare for a Public Hearing:
 - (a) Applications are screened to assess the information provided (see Rules 49 and 50) before being accepted and added to the hearing agenda;
 - (b) NWMB staff assign Applications to one of the three hearing types identified in Rule 26 using the criteria listed in Rule 27;
 - (c) NWMB staff may request parties provide additional information;
 - (d) NWMB staff may request missing information for incomplete Applications, but the Applicant bears the burden of introducing sufficient evidence and persuasive argument to support their Application;
 - (e) NWMB staff will not accept Applications for the hearing agenda that are inadmissible (e.g. Applications that contain insufficient minimum information as set out in Rule 49; are late; address matters outside of the NWMB's jurisdiction; or are otherwise unsuitable);
 - (f) If an Application is not accepted, NWMB staff:
 - i. will explain why the Application has not been accepted to the Party; and,

- ii. may invite the Applicant to present their application to the Board as an information update.
29. When an Application is accepted, a record for that proceeding is opened and the Application forms part of the record for that proceeding.
30. Accepted Applications will be published to the NWMB's Registry and included on the hearing agenda.
31. The NWMB will inform the public about the Hearing and provide a deadline for hearing submissions—and a deadline for responses to hearing submissions, if necessary.

Attendance and Participation:

32. For In-Person Public Hearings, parties attend in person.
33. For Hybrid Hearings, parties can attend in person but are also encouraged to attend remotely.
34. Board Members must attend in-person public hearings in person but may, in exceptional circumstances, attend remotely.

Coordinated Hearings

35. The NWMB may consider coordination of a public hearing with another body, or bodies, where its decision may have cross-boundary impact or where the body, or bodies, have overlapping jurisdiction over a matter under consideration.
36. Any coordination and communication with other bodies must be formalized by written agreement publicly posted to the NWMB's registry and ensure respect of the NWMB's mandate, authority and jurisdiction to make decisions under Article 5 of the *Nunavut Agreement*.
37. Where appropriate, the coordination may include the creation of a common registry for hearing records, staff collaboration for preparations, communications with Parties and the coordination of schedules.
38. The NWMB may consider other forms of collaboration or joint action with another body, or bodies, in order to make joint recommendations or to give advice on the management of wildlife issues outside the Nunavut Settlement Area.
39. The NWMB shall give notice through the NWMB Registry of a public hearing that is coordinated with another body.

Other Proceedings

40. Where appropriate, NWMB staff may facilitate and manage other proceedings including:
- (a) *Technical Meeting*: Upon receipt and review of an Application, the Board may hold a meeting of technical experts to review and, to the extent possible, resolve outstanding technical issues arising from the Board's assessment of the application, and to identify any supplementary information required to address these issues.
 - (b) *Pre-hearing Conference*: In order to facilitate the hearing process, the NWMB may organize pre-hearing conferences via teleconference / videoconference or in writing to facilitate the organization of the Hearing by addressing in advance any outstanding procedural issues, such as the format, the date, timing, and location for the hearing, participant confirmation, identification of additional necessary participants, the timetable for submissions, formulation of issues, audiovisual and language requirements, hearing procedures and any requests to vary the Application of the Rule.
 - (c) *Community Information Meeting*: The NWMB may organize and facilitate community information meetings to communicate information about a specific proceeding.
 - (d) *Conferences and Workshops*: The NWMB may organize and facilitate conferences and workshops to bring people together to learn about, or discuss, any matter related to its mandate.
41. NWMB Staff or Board member participation at any "Other Proceedings" shall not displace the NWMB's discretion to exercise its authority under the *Nunavut Agreement*.

Part III: Schedule of NWMB Proceedings

42. Where practicable, the NWMB will meet during the months of February, June, and October of each calendar year.
43. During each Meeting Week, the NWMB will schedule Internal In-Camera Meetings, Regular Meetings, Public Hearings, and In-Camera Meetings as may be required to consider and address issues within its jurisdiction.
44. The NWMB may schedule additional meetings outside the Meeting Week at any time to consider specific issues within its jurisdiction or urgent matters.

Part IV: Starting a proceeding with the NWMB

45. Any interested Co-management Partner may request that the NWMB consider issues within its jurisdiction by submitting an Application:
 - (a) for Decision under Article 5 of the *Nunavut Agreement*,
 - (b) for Advice under Article 15 of the *Nunavut Agreement*, or,
 - (c) providing submissions for information.

Subject to these Rules and Section 5.2.28 of the *Nunavut Agreement*, Parties shall have the right to participate in a Hearing, including making Hearing submissions or presentations, and asking questions of parties making Applications. Non parties are allowed limited participation at the discretion of the Chairperson.

An Inuk or affected Co-Management Partner shall have automatic Standing at public hearings.

The NWMB will grant Standing to bodies that represent Indigenous rights-holders, including those groups identified in Article 40 of the *Nunavut Agreement* who may be affected by an Application under consideration.

The NWMB will consider requests for Standing and may grant Standing to bodies that are not Inuk or a Co-Management Partner.

46. A request for Standing at a Hearing shall include an explanation of the person or organization's interest in the issue, the scope of their intended participation, and why the NWMB should grant standing. Standing may be granted, at the discretion of the Board, taking into consideration the nature of the issue and the interests of the Party requesting Standing.
47. All Applications to the NWMB shall be submitted by email or mail to its head office before the established deadline:

Email: receptionist@nwmb.com
Mail: Nunavut Wildlife Management Board
c/o: Reception
310-1106 Ikaluktuutiak Drive
Iqaluit, Nunavut
X0A 3H0

48. The NWMB will defer or dismiss Applications received after the deadline.

Content of Applications:

49. An Application shall include the following information:

- (a) Content:
- i. The name, contact information and a contact person for the Applicant.
 - ii. The decision sought, including a clear and reasoned reference to the relevant authority under the *Nunavut Agreement* that the NWMB is asked to consider in making its decision or in providing its advice.
 - iii. The stock(s) or population(s) and species of wildlife that will be impacted under the Application.
 - iv. A copy of any relevant information being relied upon including any relevant information in written, audio or audio-visual format with clear reference to the source of the information.
 - v. Arguments to support the decision sought under the Application with an explanation of all relevant information submitted as well as a summary written in plain language of any technical reports.
 - vi. A summary of the Application translated into either Inuktitut or English, as the case may be, which must indicate:
 - The specific section of the *Nunavut Agreement* the NWMB is asked to consider;
 - The justification in support of the conclusions sought in the Application; and,
 - Any information the Applicant believes to be relevant.
- (b) A statement confirming:
- (i) that the Application and its contents has been provided to all relevant Co-Management Partners; and,
 - (ii) a list of other persons who may be affected by the NWMB's decision under the Application, with confirmation that these have been provided with a copy of the Application and its content.

- (c) A statement confirming that Parties who may be affected by the NWMB's decision under the Application have been provided a reasonable opportunity to respond through consultation or engagement opportunities. Affected parties include:
 - (i) Indigenous rights-holders owed a duty to consult; and,
 - (ii) Other Nunavut communities and Indigenous groups situated outside of Nunavut; and,
 - (iii) Where the Applicant is a non-government organization such as an RWO, an HTO or other Designated Inuit Organization, confirmation of engagement with all relevant stakeholders who may be affected, including government agencies.
 - (d) If any of the minimum information listed above is not being provided with the Application, the Application must provide an explanation for why it is not being provided.
 - (e) If an Application does not meet these minimum requirements, the NWMB, at the discretion of the Chair, may not place the Application on the agenda for consideration.
50. Where relevant, Applications should also include the following information:
- (a) If the Application relates to a previous NWMB decision, specific references to the relevant decision and explain why it is being referenced in the Application.
 - (b) Copies of relevant governing authorities in support of the Application, including relevant resolutions or policies from the Party submitting the Application.
 - (c) Other evidence deemed relevant, such as maps or photos.

Application for Advice and Submission for Information

- 51. Applications seeking NWMB Advice under Article 15 of the *Nunavut Agreement* will be considered at a Regular Meeting. Submissions to provide information relevant to the NWMB's mandate or to deal with other matters under the NWMB's jurisdiction will also be received at a Regular Meeting.
- 52. In considering whether to accept a submission for advice, the NWMB will consider the relevance of the Submission to its mandate and any other considerations it deems appropriate.
- 53. When an information update is presented to the NWMB, the Board may determine if further action is required and may:
 - a) direct the presenting party to submit an Application for the Board's decision, thereby elevating the matter from an information update to an Application;

- b) instruct Board staff to prepare a technical submission or an Application for the Board's decision; or
 - c) may refer any Application to a more suitable authority or body for consideration.
54. Notwithstanding PART IV, the NWMB has discretion to waive the strict application of these Rules and may, at its discretion, place any issue on a Public Hearing or Regular Meeting agenda.

PART V: Meeting Procedures

Notice and Agenda

55. The NWMB shall provide an agenda before each meeting, which shall:
- (a) confirm the time, dates, and location of the meeting;
 - (b) anticipate the length of time required to consider the Application and/or Submission, including time limits for presentations; and,
 - (c) in advance of the Meeting Week, the agenda will be posted publicly on the registry with copies sent by email to persons and organizations registered on the NWMB distribution list.
56. NWMB meetings shall proceed according to the agenda. The Chair will take appropriate action to facilitate the orderly completion of its meeting agendas.

Hearing Submissions

Written Submissions

57. The NWMB will post to the NWMB Registry all written Hearing submissions relating to an Application, including any evidence, arguments, or supplementary information filed by all Parties.
- (a) Hearing submissions must be received before the deadline set by the NWMB in order to be posted to the registry and be included in Board briefing materials.
 - (b) Where a Hearing submission is late, at the discretion of the NWMB, the submission may not be included in Board briefing materials or posted to the registry and may not be considered by the NWMB.
 - (c) An Applicant may only make minor modifications to an Application already on the hearing agenda. Where significant modifications are required, the Application may be removed from the hearing agenda.
 - (d) For written hearings, the NWMB may allow Parties an opportunity to respond to written submissions received from other parties by the deadline set by the NWMB.

58. The NWMB may request that Parties provide written submissions on a specific issue or question under consideration.

Oral Submissions

59. During hybrid, virtual or in-person Public Hearings, parties will typically speak in the following order:
- a) The party making the Application presents and explains their Application;
 - b) Affected Co-Management Partners may make presentations and/or ask questions of the Applicant about the Application;
 - c) Other parties may, at the discretion of the Chair, make presentations and/or ask questions of the Applicant;
 - d) Members of the public, may, at the discretion of the Chair, make comments and/or ask questions;
 - e) NWMB staff may ask questions.
 - f) The Chair may also ask its Advisor(s) or its subject matter experts if they have any questions.
60. Board Members may ask questions of the Applicant of any party at any time.
61. The Applicant may request an opportunity to provide response to any information presented during the Hearing before the Chair adjourns the hearing for deliberation.
62. Oral submissions intended to be evidence are to be made truthfully and the NWMB may administer an oath to parties before receiving oral submissions in a Hearing.
63. The NWMB will encourage the submission and consideration of any relevant Inuit Qaujimagatugangit, Indigenous Knowledge or oral history, at any stage of a Hearing before the hearing record is closed.
64. The NWMB may make arrangements to hear from any Elder or holder of relevant Inuit Qaujimagatugangit or Indigenous Knowledge at any time prior to, during, or after a Hearing as the Board considers appropriate.
65. The NWMB may make arrangements to hear from other subject matter expert(s).

Concluding a Hearing

66. At the conclusion of the Hearing, parties must submit to the registry any written or visual materials presented in the Hearing.
67. The NWMB may allow or request additional submissions or final written arguments to allow parties to address new arguments or evidence, including Inuit Qaujimagatugangit, Indigenous Knowledge, and oral history raised in oral submissions during a Hearing.

Hearing Record

68. Once the NWMB is satisfied that all relevant material has been received for a Hearing, it will give notice that it will close the Hearing record.
 - (a) The NWMB may seek clarification of any evidence on the record without causing the Hearing record to be re-opened.
 - (b) Any information received after a request for clarification from the NWMB will be posted to the NWMB registry.
69. The NWMB shall prepare and maintain transcripts for its in-person hearings and hearing minutes of its hybrid and virtual hearings, which are to be reviewed and approved by the NWMB when practically possible.
 - (a) Hearing transcripts or hearing minutes will become part of the hearing record once approved.
 - (b) Parties and members of the public may make a request for electronic copies of hearing minutes or transcripts.
70. Unless a Party has requested confidentiality in advance, the NWMB will treat written or oral submissions received at the Hearing as public information. By participating in NWMB public hearings, Parties consent to having the information they provide made publicly available without the need for additional consent or approval.
71. At its discretion, the NWMB may make recordings of its hearings available.
72. The NWMB will admit as evidence, and shall consider, all relevant Information on the hearing record when making a decision.

Part VI: Decisions

Criteria for Decision-Making

73. When making decisions, the NWMB shall consider the following:
- (a) the purpose of the Application;
 - (b) the rationale for its decision pursuant to section 5.3.3 of the *Nunavut Agreement*;
 - (c) the information presented in the Application and record of evidence supported by arguments presented at a Hearing; and,
 - (d) the conservation status of the species, stock or population under consideration.
74. At its discretion, the NWMB may consider other relevant factors when making decisions, including:
- (a) the sufficiency of the record submitted;
 - (b) the degree and potential of the decision to impact Indigenous rights;
 - (c) the significance of the species to Inuit;
 - (d) the history of the issue and previous NWMB decisions;
 - (e) consultation and fairness factors, including:
 - a. whether evidence of appropriate consultation and engagement of all affected stakeholders have been provided; and,
 - b. fair notice for all stakeholders who may be affected by the decision sought have been provided; and,
 - (f) The urgency of the Application.

Weighing Evidence

75. The NWMB will consider the relevance, reliability and weight appropriate for the evidence in making its decision(s) and may admit as evidence elements that would not normally be admissible under strict rules of evidence, including *Inuit Qaujimajatuqangit*, community knowledge, and oral history.
76. The NWMB shall not presume scientific, or Inuit Qaujimajatuqangit evidence is automatically more or less important than the other and:
- (a) When assessing the weight of Inuit Qaujimajatuqangit evidence, the NWMB may consider the following factors:
 - i. Whether the Inuit Qaujimajatuqangit being offered as evidence is about current practices and knowledge or about practices and knowledge from the past; and,
 - ii. Whether the person providing the Inuit Qaujimajatuqangit is recognized by their community to have knowledge of what that person is speaking about.
 - (b) When assessing the weight of scientific evidence, the NWMB may consider the following factors:
 - i. The longevity of the study;

- ii. The credibility of the study and of the scientist (among their peers); and,
- iii. The robustness of the study methodology and assumptions relied on.

Confidential decision-making

77. In compliance with the *Nunavut Agreement*, the NWMB makes confidential deliberations during the closed in-camera portion of its Meeting Week:
- (a) Appointing agencies are expected to confirm whether they intend to designate a Technical Advisor in advance of each in-camera meeting and may attend the In-Camera Meeting as observers;
 - (b) After deliberation(s), the NWMB will issue a written decision, with reasons, and provide the Minister with a copy of its decision.
 - (c) In its decisions, the NWMB may choose to provide advice, make recommendations, and include any terms and conditions it deems appropriate.
 - (d) The NWMB shall reconsider a decision that has been disallowed or rejected by the Minister as soon as practical.

Ministerial Acceptance, Variation of NWMB Decisions

78. The NWMB will post its final decision, and the Minister's response, to the NWMB Registry when the decision-making process has been completed.

Languages

79. NWMB Proceedings shall be conducted with simultaneous translations into English and Inuktitut.
- (a) All proceeding documents, including submissions, presentations, exhibits or a reasonable summary of them, shall be made available in English and Inuktitut.
 - (b) The NWMB may direct that an Applicant provide translations of any Application or Submission, or a portion of any Application or Submission.

The Chair

80. The Chair, or their designate, will lead an NWMB proceeding and shall be responsible for maintaining respect and order during the proceedings, including:
- (a) the facilitation of discussions by indicating who should speak and the management of their allotted time;
 - (b) the facilitation of questions and answers where appropriate;
 - (c) changing the speaking order of Parties where appropriate;
 - (d) interrupting or stopping someone from speaking at any time; and,
 - (e) choosing when to end discussions on a particular matter.

Motions or Objections

81. During presentations and discussions, an objection or motion may be made orally. An objection or motion may be submitted in writing at any other time in an NWMB proceeding, or during a Written Hearing, motions or objections.
 - (a) Any motions or objections, or objections to the agenda, must be addressed to the Chair of the NWMB; and,
 - (b) Any motions or objections must provide:
 - i. reasons for the request; and,
 - ii. the procedural direction requested.
82. The Chair shall, at their discretion, consider the objection or motion and shall make a determination on the matter.
83. Where the Chair considers it appropriate, they may deliberate the motion or objection in consultation with the Board before making a determination on the matter.

Procedural Directions

84. The NWMB may provide procedural directions at any time it considers appropriate during a proceeding.
85. The NWMB may summon any person, except a Minister, to give evidence orally or in writing and may summon any person to produce documents or any such thing as it considers necessary to its mandate.

Adjournments

86. The NWMB may adjourn a Hearing or Regular Meeting at any time and may re-open an adjourned proceeding with notice to the Parties published on the NWMB Registry.

Cost of Attendance and Participation

87. The cost of attendance is the responsibility of each of the Parties. The NWMB does not have a role in determining participant funding provided by any other Party or body.
88. The NWMB reserves the right, at its discretion, to invite, and provide funding to any party to enable their participation in its proceedings and does not have to provide reasons for rejecting any funding requests.
89. Where proper notice of a Meeting has been provided, the NWMB may proceed with the Hearing without a Party or Co-Management Partner present and the decisions rendered shall not be invalidated by the non-participation of a Party.

Areas of Equal Use and Occupancy

90. For Applications affecting an Areas of Equal Use and Occupancy, as defined under the *Nunavut Agreement*, the NWMB shall include two Members appointed by Makivvik to replace two Members appointed from Nunavut.
91. Preference will be given to having Makivvik appointees appointed to vacant Nunavut Inuit appointments on the Board before having Members appointed by a Designated Inuit Organization replaced when the NWMB considers an Application affecting Areas of Equal Use and Occupancy.

The Registry

92. The NWMB shall maintain a publicly accessible electronic registry on the NWMB website for all documents submitted to, or issued by, the NWMB that are related to matters placed on the Board's agenda.
93. Parties shall be responsible for the monitoring of the registry to ensure access to the most updated relevant materials.
94. Submissions that are filed after a meeting or hearing record closes may not be posted to the registry, may be found inadmissible, and may not be considered by the NWMB.
95. At its discretion, the NWMB may accept late submissions where the Chair is satisfied there is sufficient justification to reopen the meeting or hearing record.
96. The NWMB will post the following documents to the registry after a proceeding:
 - (a) Hearing submissions provided after the deadline;
 - (b) Presentations or exhibits provided during a proceeding.
97. The NWMB may decline to post documents on the registry that are not compliant with these Rules, are determined to be out of order by the Chair, are subject to an objection, are subject to a request for confidentiality or are otherwise subject to privacy considerations.

Co-management Partner Consultations and Engagement Sessions

98. The NWMB, including its staff, may attend and observe engagement and consultation sessions or provide advice on consultation matters and the attendance and observations of the engagement and consultation sessions shall not displace the Board's jurisdiction to exercise its authority in the future.
99. Where the NWMB considers engagement or consultation was clearly inadequate, it will address the situation in its decision and accompanying reasons.
100. Where appropriate, the NWMB may decide to not consider an Application where it believes that the engagement or consultation was lacking and defer consideration of the matter to allow the deficiencies to be addressed.

Confidential Information

101. A party may request that information provided to the NWMB (including *Inuit Qaujimaqatuqangit*) be treated confidentially and not posted.
102. A request for confidential treatment of information to be submitted must be made in advance on the basis of privacy or confidentiality concerns by providing:
 - (a) A general and non-confidential explanation of the nature of the document the party plans to submit;
 - (b) A description of the privacy or confidentiality interests associated with the information;
 - (c) A brief explanation of the rationale for why the document should not be made public, including identifying any specific harm that could result from public disclosure of the information; and,
 - (d) An explanation as to whether the Party seeks to prevent the public disclosure of all, or only part of, the information.
103. The NWMB will provide procedural direction regarding the appropriate treatment of the information and shall provide notice to the Party making the request.
104. Documents that are accepted to be confidential shall form part of the record of a proceeding but shall not be disclosed publicly.