



**Applicant Guidelines for Individuals
Wildlife Compensation Fund**

Mary River Project Inuit Impact and Benefit Agreement

Note: This document is available in English and Inuktitut and can be found on the QIA website (www.qia.ca) or by asking your local QIA CLO, Baffinland BCLO or HTO Manager.

Table of Contents

1	Introduction	3
2	What is the Wildlife Compensation Fund?	3
2.1	Compensation Categories	3
2.2	Examples of Qualifying Incidents	4
2.3	Exclusion of Major Events	5
2.4	Article 6 of the Nunavut Agreement.....	5
2.5	Compensation for HTOs - Wildlife Incidents at the Mary River Project.....	5
3	Administration of the Wildlife Compensation Fund	5
3.1	The role of the Qikiqtani Inuit Association.....	5
3.2	The Role of the Local Hunters and Trappers Organization	5
4	How to Submit a Claim	6
4.1	Claim Application Form	6
4.2	Claim Submission Period.....	6
4.3	Required Information.....	6
5	Claim Review	7
5.1	Review Process	7
5.2	Review Criteria.....	8
6	Calculation of Compensation for a Claim	8
6.1	Interference with Harvesting Activities.....	8
6.2	Loss of Harvested Wildlife.....	9
6.3	Damage to Hunting Equipment	9
7	Annual Compensation Limit.....	9
8	Appeal Process.....	10
8.1	Reasons for Appeal	10
8.2	Appeal Outcomes.....	10
8.3	Right under Article 6 is Retained.....	10

Notice of Update to Wildlife Compensation Fund

The Qikiqtani Inuit Association is currently updating these Guidelines as part of a broader update to the administration of the Wildlife Compensation Fund. This update may result in changes to the application process. The purpose of the update is to ensure that compensation can be provided to as many successful applicants as possible. Some changes have already been implemented and are included in this document.

1 Introduction

This document describes how Inuit can access compensation through the Wildlife Compensation Fund for wildlife-related losses caused by the Mary River Project. It also explains the role of the Qikiqtani Inuit association and local Hunters and Trappers Organization's in administering the Wildlife Compensation Fund.

This document provides the information necessary for applicants to understand:

- What type of wildlife-related losses qualify for compensation
- How to complete an application for compensation
- How the application review process works

Several acronyms are used throughout this document, including:

- **NA:** Nunavut Agreement
- **IIBA:** Mary River Inuit Impact & Benefit Agreement
- **WCF:** Wildlife Compensation Fund
- **QIA:** Qikiqtani Inuit Association
- **HTO:** Hunters and Trappers Organization
- **CLO:** QIA Community Liaison Officer
- **BCLO:** Baffinland Community Liaison Officer

2 What is the Wildlife Compensation Fund?

The Wildlife Compensation Fund, or WCF, was established in 2013 by QIA and Baffinland in the Mary River Inuit Impact & Benefit Agreement as an extension of Article 6 rights under the *Nunavut Agreement*. The WCF is intended to compensate for wildlife-related losses caused by the Mary River Project. This includes incidents that occur at and surrounding the Mary River Project.

If an Inuk experiences a wildlife-related loss due to the Mary River Project that could not be reasonably avoided, they may be eligible for compensation through the WCF. Any Inuk residing in the impacted communities of Pond Inlet, Arctic Bay, Clyde River, Sanirajak and Igloolik may apply to the WCF.

The WCF only compensates for incidents that align with one or more of the Compensation Categories listed in the section immediately below.

2.1 Compensation Categories

The WCF may compensate a harvester when they experience losses described in one or more of the

following three categories:

1. Interference with Harvesting Activities

Activities associated with the Mary River Project interfered with or prevented harvesting activities for occurring.

2. Loss of Harvested Wildlife

Activities of the Mary River Project caused the loss of harvested wildlife.

3. Damage to Hunting Equipment

Activities of the Mary River Project caused damage to hunting equipment.

2.2 Examples of Qualifying Incidents

This section provides examples of incidents that would likely qualify for potential losses under each Compensation Category.

1. Interference with Harvesting Activities

Example 1: A hunter has travelled to an area near the shipping channel and begins to stalk a pod of narwhal into shallow waters. Before shooting, waves from a nearby project-related vessel cause the hunter to lose track of the pod and the hunt is unsuccessful.

Example 2: A hunter is searching for caribou near the Mary River Project and spots several caribou in the distance. The hunter slowly approaches the group and is preparing to shoot when a project-related helicopter passes overhead. The caribou react to the noise and move away from the hunter. The hunter cannot follow them, and the hunt is unsuccessful.

2. Loss of Harvested Wildlife

Example 3: A hunter sets a net on a lake near Milne Port and successfully catches 75 fish. They are transporting the harvested fish in their qamutik and encounter a river crossing that is covered in project-related dust. The river crossing appears to have melted prematurely because of the dust. The hunter decides it is safer to cross the melting river without the weight of the fish in their qamutik. The fish are left behind and lost.

Example 4: A hunter harvests a seal from a seal hole near Milne Port. Upon closer inspection they realize the seal appears abnormal and there is visible discoloration from project-related dust on the ice surrounding the seal hole. The hunter must discard the seal.

3. Damage to Hunting Equipment

Example 5: A hunter is travelling on snow machine near Milne Inlet and is offered fuel by project staff. Several hours later the snow machine has an engine failure. A local mechanic later confirms that the failure was caused by the fuel offered by project staff.

Example 6: A hunter is travelling by snow machine from Milne Port towards Mary River in the spring. They notice dust on the snow along the land trail. There are several areas where the snow appears to have melted earlier than normal. The hunter is forced to drive over exposed rocks, sand and gravel. While travelling they notice excessive wear to the snow machine sliders caused by the sand and gravel. The sliders are damaged and cannot be repaired.

2.3 Exclusion of Major Events

The WCF does not provide compensation for a “Major Event”. This is defined in the IIBA as:

- Introduction of Invasive species by the company;
- Significant adverse impact on existing commercial fisheries;
- Long term or catastrophic decline of wildlife that can be attributed to the Project; or
- Any incident or activity that is identified as a significant adverse impact in the Final Environmental Impact Statement.

Any “Major Event” should be addressed through the process outlined in Article 6 of the Nunavut Agreement.

If you believe your losses relate to a “Major Event” please contact QIA.

2.4 Article 6 of the Nunavut Agreement

The WCF does not diminish or otherwise limit the rights of QIA, an HTO or an Inuk to file a claim for wildlife compensation with the Nunavut Surface Rights Tribunal pursuant to Article 6 of the Nunavut Agreement. The right to wildlife compensation for Inuit available through the WCF is an extension of the rights established in Article 6 of the Nunavut Agreement.

If an applicant receives compensation through both the WCF and Nunavut Agreement, the total compensation received would not exceed the greater of the two approved amounts. In other words, applicants cannot receive double the compensation by applying through both pathways.

2.5 Compensation for HTOs - Wildlife Incidents at the Mary River Project

HTOs may also qualify and apply for compensation under the WCF for wildlife incidents occurring at the Mary River Project that do not involve hunters (e.g., wildlife accidentally struck by project vehicles). The process for HTO compensation is not covered by this document. QIA staff are available to provide additional information regarding this form of compensation upon request.

3 Administration of the Wildlife Compensation Fund

3.1 The role of the Qikiqtani Inuit Association

QIA is responsible for administering the Wildlife Compensation Fund. This role includes managing the available compensation funds, seeking additional funds from Baffinland as necessary, reviewing and updating the Fund’s supporting documents (including these Guidelines), supporting eligible Inuit to apply to the WCF, processing and payment of claims, supporting QIA’s executive in reviewing appeals, and engagement with communities, HTOs, and Baffinland, as well as other roles in accordance with QIA’s mandate and the *Nunavut Agreement*.

3.2 The Role of the Local Hunters and Trappers Organization

The local HTO may be asked by QIA to assist in validating claims for applicants that reside in their community. The HTO may hold a special meeting to discuss the claim and may request the presence of the applicant. The HTOs will use their own rules of governance, code of conduct, and conflict of interest to determine the validity of a new claim.

QIA staff will be available to support the local HTO and will also provide honouraria for the local HTO to host a special meeting to validate new claims.

4 How to Submit a Claim

4.1 Claim Application Form

All eligible Inuit who have experienced an incident that could be described within the 3 Compensation Categories (see Section 2.1) are encouraged to apply to the Wildlife Compensation Fund. QIA staff are available to support applicants who require additional help.

Applicants are required to complete the *Claim Application Form* to initiate a claim. The form must include the required information outlined in these Guidelines (see Section 4.3) to ensure it can be processed. A copy of the *Claim Application Form* is attached to this document.

Once complete, the *Claim Application Form* can be submitted to QIA using any one of the following methods:

- By email to wcf@qia.ca
- In person with a QIA Community Liaison Officer
- In person at the Department of Lands & Resource Management Office in Pond Inlet or Iqaluit

4.2 Claim Submission Period

The *Claim Application Form* must be submitted within 6 months of the date of the incident. If an incident occurred more than 6 months ago it may still be considered under exceptional circumstances. Please contact QIA to discuss older incidents before submitting a new *Claim Application Form*.

4.3 Required Information

The *Claim Application Form* will identify what required information is necessary. The information you provide will determine whether your claim is eligible. It will also be used to determine the value of your claim and your compensation amount. QIA will be unable to process applications if required information is missing.

The following information is required to process your claim and determine whether it is eligible:

1. Your name, house number, address, and contact information
QIA will need to contact you to inform you of the decision or to ask for more information.
2. Your community of residence
This is used for tracking and evaluation purposes
3. The date, time and place of the incident
This helps determine the basic facts surrounding the incident.
4. A detailed account of the travel route and duration of the overall trip when the incident occurred
This is used to calculate compensation for travel costs, fuel, and incidentals such as food.

5. The species and quantity of wildlife and/or equipment damage related to the incident
This is used to determine the amount of compensation.

6. A detailed description of the incident

This will determine whether your claim is eligible for compensation. Your account should contain a step-by-step description that clearly shows that:

- An incident occurred that aligns with one or more of the Compensation Categories;
- The incident is related to the Mary River Project’s activities.
- The incident was unavoidable.

Supporting Information

QIA strongly encourages applicants to include supporting information. QIA uses supporting information to determine whether you are eligible for compensation. If QIA determines you are eligible for compensation, QIA also uses supporting information to determine the value of your claim. Including supporting information will strengthen your claim and speed up the assessment process. If you are not able to provide supporting information, please explain why. Please note that the HTA and QIA will assess why supporting information was not provided and may use that in determining whether your claim is eligible.

Examples of supporting information include:

- Pictures;
- Videos;
- Witness statement(s) from anyone who accompanied you during the time of the incident;
- Any other information that supports your description of the incident.

5 Claim Review

5.1 Review Process

The Claim review process includes several steps outlined below.

1. QIA receives the *Claim Application Form* and ensures all required information has been provided. QIA then confirms that the claim aligns with at least one of the 3 compensation categories (see Section 2.1). QIA submits the *Claim Application Form* to the applicants’ local Hunters and Trappers Organization for validation.
2. The local Hunters and Trappers Organization reviews the claim to determine its validity. The local HTO will assess whether the incident happened as described, and that it is true and accurate. This process may involve the HTO requesting the applicant attend a meeting to discuss their claim. Once complete, the local HTO provides their recommendation of the claim’s validity to QIA.
3. QIA reviews the determination issued by the local HTO. A claim that is not validated by the local HTO may be deemed unsuccessful (See step 5.ii). QIA decides the final decision on a claim’s validity based on an HTO’s recommendation. If a claim is eligible, QIA determines the value of the

claim based on the compensation category and the required information.

4. QIA provides a final decision letter to the applicant summarizing the review process and outcome.
 - i. If a claim is successful, the letter will also include confirmation of the amount of compensation. Compensation will be paid to the applicant promptly.
 - ii. If a claim is unsuccessful, the decision letter explain why the claim was unsuccessful.
5. Regardless of what QIA decides in their final decision letter, applicants may start appeal the decision (see Section 8)

5.2 Review Criteria

QIA uses specific criteria to determine whether a claim is eligible for compensation. The criteria are as follows:

1. The incident aligns with one or more of the Compensation Categories;
2. The incident was caused directly or indirectly by the activities of the Mary River Project;
3. The incident could not be reasonably avoided;
4. The *Claim Application Form* includes all of the required information; and
5. The *Claim Application Form* was filed within 6 months of incident.

The Review Criteria are based on the *Nunavut Agreement*, including section 6.3.3 which states that:

“Claimants shall make all reasonable attempts to mitigate against any loss or damage”.

Including a description of any actions taken to avoid the loss and the loss could not be avoided and was not caused on purpose is important to establish a claim.

6 Calculation of Compensation for a Claim

If QIA determines your claim is eligible for compensation, all available information about the incident will be used to calculate the value of the claim. QIA calculates the value of your claim using the parameters described in this section under each potential Compensation Category based on the information you provide us to support your claim (see also, Section 2.1). QIA will always consider receipts or other forms of supporting information when calculating compensation. This information may be used to adjust the calculation of compensation.

Please note that the value of your claim is used by QIA to determine your compensation. However, the value of your claim may be more than the actual amount of compensation you receive under the Fund. This is because there is a maximum compensation amount from the Fund that a Claimant can receive for a claim. For more information see Section 7.

6.1 Interference with Harvesting Activities

The value of a claim will be estimated based on the information provided on cost for the harvester to return to where the incident took place. This will be determined using two components:

1. **Food & Incidentals:** the Fund may provide a reimbursement of \$125 per day. The calculation is based on the estimated costs to purchase food and other materials needed to return to the place where the incident took place.
2. **Fuel:** the Fund may reimburse fuel costs based on local fuel costs and the type of vehicle used (e.g., ATV, snow machine or boat). It is calculated based on the distance from the applicants home to the location of the incident.

6.2 Loss of Harvested Wildlife

The value will be calculated based on the total value of (1) Food & Incidentals; (2) Fuel; and (3) the Animal Value. Both Food & Incidentals and Fuel will be calculated as per the Interference with Harvesting Activities compensation category described in Section 6.1 above. The Animal Value associated with a claim will be estimated using an *Animal Values Chart*. This tool is updated from time to time by QIA with support from local HTO's. Each animal can only be claimed once.

6.3 Damage to Hunting Equipment

The value of a claim will be estimated based on the cost to repair and/or replace the damaged hunting equipment. A cost estimate may be requested from the Applicant to support this calculation.

7 Annual Compensation Limit

There is maximum compensation limit that a harvester can receive under the Fund for a claim of \$25,000 and a combined total maximum compensation amount of \$35,000 for all successful claims per household. A successful claim under the Fund that is valued at more than \$25,000 will be limited to compensation amount of \$25,000 in total.

The household compensation limit applies where there is more than one successful claim under the Fund in a calendar year. In the circumstance where there is more than one successful claim within same household in a calendar year, the combined maximum amount of compensation for those claims is limited to \$35,000 as a combined total.

Compensation received under the Fund are not annual installments of compensation.

The maximum annual compensation amount is reset each year for claims under the Fund.

8 Appeal Process

QIA recognizes there may be instances where an applicant may wish to appeal a decision made during the review of a claim. For all appeals the applicant must notify QIA that they wish to appeal and provide their reasons for appeal.

8.1 Reasons for Appeal

An appeal must be related to one of the following steps:

- 1.** QIA’s determination on the:
 - a. required information,
 - b. claim submission period,
 - c. applicable Compensation Categories, or
 - d. calculation of compensation;

- 2.** An HTO’s claim validation.

Once an appeal is received, it will be presented to the QIA Executive Committee for review and a decision on appeal.

8.2 Appeal Outcomes

Possible outcomes of an appeal include:

- 1.** If the QIA Executive Committee agrees with the applicant, the claim will be reprocessed.
- 2.** If the QIA Executive Committee disagrees with the applicant, the claim will be closed and QIA’s decision final.

8.3 Right under Article 6 is Retained

In the event the *WCF Appeal Process* does not provide a satisfactory outcome, the applicant retains the right to file a separate claim to the Nunavut Surface Rights Tribunal under Article 6 of the Nunavut Agreement.