

Mr. Jason Akearok
Executive Director
Nunavut Wildlife Management Board
Box 1379
Iqaluit, NU X0A0H0

February 16, 2015

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Dear Sir:

RE: NWMB Direction Southampton Island Caribou BNL Proceeding

I write in response to the February 10, 2015 letter from Chairperson Ben Kovic to Minister Mike, concerning the direction issued by Nunavut Wildlife Management Board (NWMB) on the Southampton Island Caribou BNL Proceeding. While the Government of Nunavut (GN) welcomes this Board's initiative there are some specific items set out in the Directive with which GN will be unable to comply.

The letter accompanying the Direction invited those parties affected by it to respond with any “substantial concerns” by February 16, 2015. This letter is the GN’s response and request for some adjustment to the dates set out in the Direction. I emphasize that the GN’s concerns relate to the dates for some items set out in the Direction, not the items themselves.

The GN suggests that it would be more efficient for the disclosure of documents to be completed before disclosure of witness statements takes place. As the Direction now stands, GN must disclose the key facts that its witnesses will provide by March 9, 2015. This is not possible for the reasons set out below. But it causes another problem as well. The date for NII document disclosure is not until April 6, 2015. It is likely that GN witnesses may have some response to or comments about those documents. GN does not wish to face objections in a hearing because its witness statements did not include such comments in its evidence. The solution, in the GN's respectful submission, is to complete the document disclosure first and then complete the disclosure of witness statements. To do this requires adjustment to the dates in items #6, #8 and #9 in the Direction.

Notwithstanding the points made above, GN counsel is not able to meet the deadline set out in Direction item #8. At this point because of the departure of the GN staff counsel responsible for the file, GN is relying on outside counsel. Our outside counsel simply cannot meet that deadline because of other commitments including a commitment outside the country. In order for the GN to satisfy the Board's Direction on the date in item #8 an extension will be required.

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GN respectfully requests that the date for GN witness statements be moved to April 6, 2015 (item #8). NTI should file its documents March 30, 2015 (item #6). NTI should file its witness statements April 20, 2015 (item #9). The effect of these changes is to complete document discovery first and then witness discovery. It also solves the GN's problem in relation to the schedule of outside counsel.

We trust that this proposal will meet with the Board's approval. If there are any questions, do not hesitate to contact me.

Sincerely,

Steve Pinksen
Assistant Deputy Minister

C Paul Irmgaut, Director of Wildlife, NTI
Counsel for NTI and NWMB

February 10 2015

Honourable Johnny Mike
Minister of Environment
Government of Nunavut

Cathy Towtongie
President of Nunavut
Tunngavik Incorporated

Ross Tatty
Chairperson of the Kivalliq
Wildlife Board

James Qillaq
Chairperson of the
Qikiqtaaluk Wildlife Board

Noah Kadlak
Chairperson of the Coral
Harbour Hunters and
Trappers Organization

Quvanaqtuliaq Tapaungai
Chairperson of the Aiviq
Hunters and Trappers
Organization

Michel Akkuardjuk
Chairperson of the Arviq
Hunters and Trappers
Organization

Barney Aggark
Chairperson of the Aqigik
Hunters and Trappers
Organization

Paul Kanayok
Chairperson of Kangiqliniq
Hunters and Trappers
Organization

Dear Colleagues:

Re: Nunavut Wildlife Management Board Directions for Pre-Hearing Disclosure in the ongoing Southampton Island caribou public hearing

This letter is a follow-up to December 24th 2014 correspondence to Minister Mike – copied to all other hearing parties - from the Nunavut Wildlife Management Board (NWMB or Board), requesting a reply by the Government of Nunavut (GN) to the draft “*Board Directions for pre-hearing disclosure, Southampton Island Caribou Proceeding*” (draft document), prepared by Nunavut Tunngavik Inc. (NTI) and filed with the NWMB on October 28th 2014. The GN provided its views on NTI’s draft document in two letters dated January 2nd and January 23rd 2015. On January 30th 2015, legal counsel for the NWMB, NTI and the GN met to discuss the draft document, the recent GN correspondence and a January 27th 2015 response letter from NTI.¹

Shortly thereafter, having taken into careful account the positions put forward by both the GN and NTI – and as indicated in the Board’s December 24th correspondence to the Minister - the NWMB met to finalize its own “*Nunavut Wildlife Management Board Directions for Pre-Hearing*

¹ Copies of NTI's draft "*Board Directions for pre-hearing disclosure, Southampton Island Caribou Proceeding*" and the other correspondence referenced in this letter, as well as additional documents comprising the best available information to date, are available for review and download from the NWMB's *Public Hearings Registry* on its website (www.nwmb.com), or by directly contacting the NWMB (see footnote no. 3).

Disclosure in the Southampton Island Caribou Public Hearing" (NWMB Directions). A copy of the NWMB Directions is attached to this letter as Appendix I.

Considering the vital importance and complexity of this hearing, the fact that it has been adjourned for more than eight months (since May 28th 2014), the repeated need during the adjournment to grant extensions to the filing of submissions, the relatively large volume of new hearing documents, as well as the expectation that more documents will be filed, the Board has decided that now is the time to formally issue the NWMB Directions. They have been carefully designed to permit the hearing to proceed in a fair, orderly and timely manner, and to avoid additional delays.

As of February 9th 2015, the NWMB Directions form a part of the *Rules for the NWMB's Public Hearing to consider the Government of Nunavut's Proposal to lower the total allowable harvest of Southampton Island caribou from 1,000 to 800 and to maintain the current non-quota limitations* (Rules), dated October 9th 2013.² Hearing parties are required to strictly comply with the directions therein applying to them. While the NWMB Directions primarily set out instructions that apply only to the GN and NTL, please note that Direction 14 invites "*all other parties*" to file additional written submissions.

With respect to the filing deadline dates set out in Directions 4, 5, 6, 8, 9, 13, 14 and 15, the NWMB is prepared to consider any substantial objection - with supporting reasons and a proposed solution - from the affected party or parties, to be delivered in writing to the NWMB and all other parties by no later than 5:00 p.m. (Iqaluit time) on February 16th 2015. Unless and until the NWMB makes a formal change to any filing deadline, all parties are to adhere to the current deadlines.

Written objections may be filed - in Inuktitut and English - with the Board in person, by courier or by mail.³ They should be clearly marked as pertaining to the *NWMB Public Hearing for SHI Caribou*. Delivery may also be made through fax or electronic transmission, but only if your department or organization confirms by phone with the NWMB - by no later than 5:00 p.m. (Iqaluit time) on February 16th - that a complete and legible copy of the transmission has been received by the Board. All materials are deemed to have been filed on the actual day of receipt by the NWMB.

² The Rules are available for review and download from the NWMB's *Public Hearings Registry* on its website (www.nwmb.com).

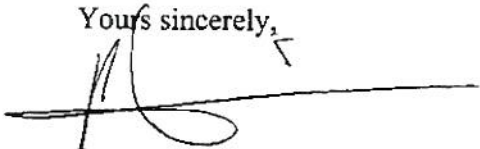
³ Hearing parties may contact the NWMB at the following coordinates:

Nunavut Wildlife Management Board
3rd Floor, Ikaluktuutiak Drive
P.O. Box 1379, Iqaluit, NU, X0A 0H0
Phone: (867) 975-7300
Fax: (888) 421-9832
E-Mail: receptionist@nwmb.com

Subject to relevant confidentiality or privacy concerns, all documents filed with the Board will be placed on the NWMB's *Public Hearings Registry*, and will be available for download shortly after the filing deadline.

Should you or your officials have any questions or concerns regarding this letter or the NWMB Directions, please do not hesitate to promptly contact the Board.

Yours sincerely,



Ben Kovic,
Chairperson of the
Nunavut Wildlife Management Board

Enclosure (1)

c.c. Drikus Gissing, Director of Wildlife, Government of Nunavut – Department of Environment;
Mitch Campbell, Kivalliq Regional Biologist, Government of Nunavut – Department of Environment;
Paul Irgaut, Director of Wildlife, Nunavut Tunngavik Incorporated;
Glenn Williams, Wildlife Policy Advisor, Nunavut Tunngavik Incorporated;
Janet Dionne, Acting Executive Director, Nunavut Inuit Wildlife Secretariat;
Leah Muckpah, Kivalliq Regional Liaison, Nunavut Inuit Wildlife Secretariat; and
Jackie Price, South Baffin Regional Liaison, Nunavut Inuit Wildlife Secretariat

APPENDIX I
NUNAVUT WILDLIFE MANAGEMENT BOARD
DIRECTIONS FOR PRE-HEARING DISCLOSURE IN THE
SOUTHAMPTON ISLAND CARIBOU PUBLIC HEARING

February 10 2015

1. These Directions form a part of the *Rules for the NWMB's Public Hearing to consider the Government of Nunavut's Proposal to lower the total allowable harvest of Southampton Island caribou from 1,000 to 800 and to maintain the current non-quota limitations*, dated October 9th 2013 (Rules). All relevant directions in the Rules apply to these Directions, including with respect to the mandatory translation of filed documents.
2. The Government of Nunavut (GN) and Nunavut Tunngavik Inc. (NTI) (hereinafter, the parties) shall make best efforts to identify all facts that are not in dispute between the parties - and on which either party will ask the Nunavut Wildlife Management Board (NWMB) to rely in determining the Basic Needs Level (BNL) for Southampton Island caribou - for filing with the NWMB in a joint statement.
3. In particular, if the GN or NTI provides to the other party a list of facts to be considered not in dispute, the other party shall respond in writing promptly and fully, and - if either party so requests - the parties shall confer by telephone if this could reasonably assist in reaching agreement.
4. If agreement is reached, the joint GN-NTI Statement of Undisputed Facts is to be filed in writing with the NWMB, by no later than 5:00 pm (Iqaluit time) on April 27th 2015.
5. Acknowledging that the GN has provided NTI and filed in writing with the NWMB a list and copies of all documents on which the GN intends to rely in this proceeding - additional to those documents provided by the GN in its written submissions filed prior to January 2015 - the GN shall:
 - a) provide NTI and file in writing with the NWMB, by no later than 5:00 pm (Iqaluit time) on March 9th 2015, a brief written explanation of how, in the context of written argument already filed or added at this time, each additional GN document supports the GN's position regarding the BNL; and
 - b) confirm in writing with the NWMB, by no later than 5:00 pm (Iqaluit time) on March 9th 2015, that the GN has complied with Direction number 5a), and when it did so.
6. By no later than 5:00 pm (Iqaluit time) on April 6th 2015, NTI shall provide the GN and file in writing with the NWMB:
 - a) a list and copies of all documents not already filed with the NWMB by the GN or NTI, on which NTI intends to rely in this proceeding;

- b) a brief explanation of how, in the context of written argument already filed or added at this time, each such additional document supports NTI's position regarding the BNL; and
 - c) confirmation that NTI has complied with this Direction, and when NTI did so.
7. The NWMB's permission will be needed in order for the GN or NTI to introduce any document at or before the resumed public hearing that has not been identified in its document list, filed by way of copy, and explained in writing. See also Direction number 16.
 8. Acknowledging that the GN, in January 23rd 2015 correspondence, provided NTI, and filed with the NWMB, a list of all witnesses the GN intends to call, the NWMB directs the GN to provide for each witness – by no later than 5:00 pm (Iqaluit time) on March 9th 2015 - a list of the key facts that the GN relies on that witness to report to the NWMB (witness statement). If the witness is not reporting personal knowledge, the source of the witness' information is to be identified in the statement. "Key facts" include all the facts to be reported by the witness that the NWMB would need to rely on in order to accept the party's position respecting BNL calculation.
 9. By no later than 5:00 pm (Iqaluit time) on April 6th 2015, NTI is to provide the GN and file with the NWMB a list of all witnesses that NTI intends to call, and a witness statement for each NTI witness. The content of these witness statements is subject to the same requirements as in Direction number 8.
 10. The NWMB's permission will be needed in order for the GN or NTI to call any witness or report orally any fact at the public hearing that has not been identified in that party's witness list or witness statements. The NWMB recognizes that specific circumstances may arise in which it would be appropriate to permit an exception for reasons of fairness. See also Direction number 16.
 11. The GN and NTI are to provide full disclosure promptly to each other and to all other parties to the hearing¹ of any fact that either party intends to report to the NWMB, any document that it intends to introduce, and any witness that it intends to call, at all times throughout this proceeding.
 12. If the GN or NTI asks a relevant question in writing of the other party pertaining to a document or witness statement filed by the party, the other party is to answer the question fully in writing within ten (10) days of receipt of the question, and the answer is admissible up to fourteen (14) days prior to the resumption of the public hearing in this proceeding, notwithstanding the deadlines in Direction numbers 5 and 6. Any such answer is to also be provided to all other parties to the hearing, and to include reasonable particulars of

¹ As of February 9th 2015, "all other parties to the hearing" are the following: the Kivalliq Wildlife Board, the Qikiqtaaluk Wildlife Board, the Coral Harbour Hunters and Trappers Organization (HTO), the Aiviq HTO, the Arviq HTO, the Aqigiq HTO and the Kangiqliniq HTO.

information given in the document or witness statement, if requested, and if the information is known or readily available to the party answering the question. If any disagreement arises regarding compliance with this Direction, the NWMB is prepared to provide specific additional Directions in order to settle the matter.

13. NTI may file its written reply to the GN's August 29th 2014 submission and the GN's additional filed documents, explanations and witness statements by no later than 5:00 pm (Iqaluit time) on June 15th 2015.
14. The GN and all other parties to the hearing may file their written replies to NTI's reply, and to NTI's additional filed documents, explanations and witness statements, by no later than 5:00 pm (Iqaluit time) on July 20th 2015.
15. The GN, as the proponent in this proceeding, may then file a final written response by no later than 5:00 pm (Iqaluit time) on August 17th 2015 to any replies filed pursuant to Direction number 14.
16. The NWMB retains at all times the discretion to make an exception or a modification to any of these Directions, if the NWMB deems such an exception or modification to be fair in the circumstances.
17. Recognizing the unusual nature of this proceeding, the NWMB is prepared to consider issuing further Directions regarding disclosure by the parties on reasonable notice.

All documents must be filed - in Inuktitut and English - with the NWMB in person, by courier or by mail.² They should be clearly marked as pertaining to the *NWMB Public Hearing for SHI Caribou*. Delivery may also be made through fax or electronic transmission, but only if your department or organization confirms by phone with the NWMB – by no later than 5:00 p.m. (Iqaluit time) on the deadline date – that a complete and legible copy of the transmission has been received by the Board. All documents are deemed to have been filed on the actual day of receipt by the NWMB.

Subject to relevant confidentiality or privacy concerns, all documents filed with the Board will be placed on the NWMB's *Public Hearings Registry*, and will be available for download shortly after the filing deadline.

² Hearing parties may contact the NWMB at the following coordinates:
Nunavut Wildlife Management Board
3rd Floor, Ikaluktuutiak Drive
P.O. Box 1379, Iqaluit, NU, X0A 0H0
Phone: (867) 975-7300
Fax: (888) 421-9832
E-Mail: receptionist@nwmb.com