



4 September 2014
BY FACSIMILE AND EMAIL
Jim Noble
Executive Director
Nunavut Wildlife Management Board
P.O. Box 1379
Iqaluit, NU
X0A 0H0

Dear sir:

Re: Time for replies to the Government of Nunavut's August 29 submission in the Southampton Island Caribou proceeding

Nunavut Tunngavik Incorporated (NTI) has completed a preliminary review of the Government of Nunavut's (GN's) thirty-eight (38) page submission filed on August 29, 2014. Based on this review, NTI finds it necessary to request a further extension of time to file a written reply. The current deadline for written replies is September 29, 2014. NTI requests that the Nunavut Wildlife Management Board (NWMB or Board) accept a written reply to the GN submission from NTI or any of other interested party on or before October 15, 2014.

The reasons for NTI's request are as follows:

1. NTI did not previously anticipate, and could not reasonably have anticipated, that the GN's submission would advance new and highly contestable interpretations of the jurisprudence governing modern treaties that, if accepted, would require a restrictive reading of Article 5's BNL provisions and other NLCA provisions setting out Inuit rights. These include the propositions that the scope of modern treaty rights should be presumed to be confined to the content of surrendered Aboriginal rights; that surrendered Aboriginal rights should be presumed to be confined to the scope of permission granted in ordinary legislation when a modern treaty was signed; that Aboriginal rights were subject to extinguishment in 1993; and that the scope of rights under one modern treaty should be presumed to be confined to the scope of rights recognized in other modern treaties, including other modern treaties subsequently signed.
2. NTI's representatives need the further time requested in order to prepare a reply to the GN's arguments that adequately serves the interests of Nunavut Inuit and that can be of best use to the NWMB in preparing for the next session of the public hearing in this proceeding.
3. The additional time requested can also be used to enable the GN and NTI to hold the further disclosure meeting regarding facts and evidence that each party relies on, which was agreed to by the GN and NTI in their June 6 2014 meeting and proposed by NTI again in its August 12, 2014 submission. (The GN August 29 submission did not respond to NTI's proposal.) NTI remains concerned that, notwithstanding the GN's stated preference to follow informal procedures, the GN has not as yet disclosed its case to the other Inuit parties to this proceeding sufficiently for them to be able to meet the GN's case at the public hearing. As NTI has noted previously, the main issues for disclosure concern the terms by which the GN considers the Coral Harbour hunters to have been

engaged by the company that ran the abattoir during the BNL calculation periods. The proposed meeting and effort to prepare an agreed statement of facts is in NTI's view the best informal tool available to provide such disclosure. If the disclosure to which all Inuit parties are entitled under the principle of procedural fairness is not made informally, NTI would have no choice but to ask the NWMB to adopt formal disclosure procedures.

NTI recognizes that a moderate delay in the overall proceeding would result from the Board's granting NTI's request. NTI is not aware that any party would be prejudiced materially. The current interim TAH order is in effect until the end of June, 2015. Thus, NTI does not anticipate that the extension requested would hinder the Board from submitting its initial TAH and BNL decisions following the resumed public hearing in good time for the Minister to have the Board's decisions before the current interim order expires.

On the other hand, it remains very important that the Board continue to organize this contested proceeding so as to give all affected parties the best opportunity to make full written submissions before the public hearing resumes. In this way, issues can be defined as clearly as possible before the hearing resumes, and the hearing can be of maximum benefit to the Board and all participating parties.

Thank you for considering NTI's request. NTI looks forward to the Board's response at the earliest opportunity.

Sincerely,



Bert Dean
A/Director
Department of Wildlife and Environment
Nunavut Tunngavik Incorporated
Rankin Inlet, NU

CC Drikus Gissing, Director of Wildlife, Government of Nunavut – DOE
Glenn Williams, Senior Wildlife Advisor – NTI
Leah Muchpah, Kivalliq Regional Coordinator – Kivalliq Wildlife Board
Jason Mikki, Qikiqtaaluk Regional Coordinator – Qikiqtaaluk Wildlife Board

