

RICHARD SPAULDING

BARRISTER AND SOLICITOR

June 7, 2015

Nunavut Wildlife Management Board
Box 1379
Iqaluit, NU
X0A 0H0
Attention: Jason Akearok, Executive Director

Dear Mr. Akearok:

Re: NWMB public hearing to strike a Basic Needs Level (BNL) in accordance with Article 5 of the *Nunavut Agreement*, Southampton Island Caribou

On behalf of Nunavut Tunngavik Incorporated (NTI), further to my May 4 letter and May 22 email, I am attaching the following further materials for filing with the Nunavut Wildlife Management Board (Board) pursuant to Direction #6 of the Board's Directions for Pre-Hearing Disclosure dated March 26, 2015:

Witness Statement of Willie Nakoolak, June 4, 2015

Further Documents relied on by NTI:

3. "Economic Development Based on Local Resources: Commercial Harvesting of Caribou on Southampton Island", by Brock Junkin, Department of Sustainable Development, Government of Nunavut, 2004, Chapter 10, *Breaking Ice: Renewable Resource and Ocean Management in the Canadian North* (F. Berkes, R. Huebert, H. Fast, M. Manseau and A. Diduck, eds.) University of Calgary Press, Calgary, 2005.
4. Canada-Northwest Territories Economic Development Agreements 1991-1996 (AANDC Library, Call No. HC117, .N6 F692 c.1), excepting the following sections:

In B., Cooperation Agreement entitled "Foundations for the Future",

Schedule A

- Category 1.0 Fine Arts, Crafts and Souvenirs
- Category 2.0 Cultural Industries
- Category 4.0 Minerals
- Category 11.0 Administration

Schedule B: Minimum Contents of Project Administration Forms

Of the Nunavut Bar

Schedule C: Minimum Contents of Annual Implementing Party Work Plans;

C. Forestry Cooperation Agreement; and

D. Tourism and Entrepreneurship Cooperation Agreement.

(In the version of this document that NTI obtained from the AANDC library, pages xxiv-xxv were missing from Appendix 1 to A. Framework Agreement; pages 6-7 and 12-13 were missing from B. Cooperation Agreement entitled "Foundations for the Future," and page 43, which possibly is from Category 7, "Fisheries" of said Cooperation Agreement, also was missing. If NTI obtains any of these pages, NTI will provide a copy to the Board and GN as soon as possible.)

NTI explanation of reliance on further documents

Mr. Nakoolak was interviewed twice, and the accuracy of his initial draft witness statement confirmed in the second interview. He was not available prior to this filing to review the final version. A translation of Mr. Nakoolak's witness statement will follow shortly.

NTI is making its best efforts to complete the translations or summaries required respecting the other documents above, and will file these as soon as they are completed.

I can also advise as follows:

a. As the Board is aware, the Government of Nunavut (GN) provided NTI with written answers to NTI's April 21 written questions on May 7, 2015. The GN's response asserted that some answers could not be provided until the GN receives NTI's remaining evidence and explanations. By copy of this letter, NTI asks the GN to complete its answers to NTI's April 21 questions. NTI shortly will send to the GN a further set of written questions pursuant to Board Direction #12. NTI would have no objection to the GN waiting to receive NTI's further questions before providing its remaining answers to NTI's April 21 questions.

b. As Board staff and counsel are aware, NTI representatives are searching the Board's public records for any previous documents relating to Southampton Island caribou that are relevant to this proceeding. Some such documents are contained on the Board's website; others may be contained in binders in the Board's library. When NTI has completed this search, NTI will ask the Board to add these documents to the "NWMB Relevant Documents" subfolder contained in the folder for this proceeding that appears on the Board's website. If it is necessary to scan any physical documents in order to post copies digitally, NTI is prepared do the necessary scanning once it has obtained photocopies.

I acknowledge that Board counsel has asked NTI to consider, instead, treating such documents, or an NTI selection, as "NTI documents" under the Board's Directions, and to file and if necessary translate such documents (or summaries) in accordance with the timelines and

other requirements for NTI evidence set out in the Directions. NTI's reasons for asking the Board instead to post these documents on its website are as follows:

- The documents in question are already publicly available. The GN, in particular, may obtain any such documents at any time by conducting its own search;
- NTI has not identified which such documents, if any, it might choose to rely on in submissions replying to the GN's evidence;
- It is in the Board's interest as decision-maker, and in the interest of any member of the public affected by this proceeding, that all relevant documents already contained in the Board's public record be made available to the Board and public for their consideration in the convenient location already set up on the Board's website. Evidently, that is the very purpose of the "NWMB Relevant Documents" folder that the Board routinely posts for all its public hearings;
- In light of the sweeping assertions that the GN has made about relevance to the BNL of the character and process of Inuit harvesting in this proceeding, any document in the Board's public record that addresses the management of Southampton Island caribou at a material time will be relevant; therefore there is no room for dispute about which documents are relevant;
- NTI undertakes to provide to the GN digital copies of all such documents that NTI's search identifies (whether or not NTI might rely on them in NTI's submissions) as soon as possible after NTI obtains copies;
- NTI will make its best efforts to complete its search by Monday, June 22, 2015, and does not foresee any difficulty in meeting this target. Accordingly, the GN reasonably can expect to have digital copies of any such documents before the next step in this proceeding – efforts to reach a Joint Statement of Undisputed Facts – begins;
- Considering the above NTI undertakings, there would be no advantage for the Board, the public or the GN in treating these documents as NTI evidence. Rather, the only practical consequence would be to delay the completion of pre-hearing disclosure.

Subject to my report above regarding translations and missing pages, and acknowledging that the materials I am filing with this letter were due to be filed on May 4, I hereby certify that NTI has complied with the Board's Directions to date in all other respects.

Yours truly,



Richard Spaulding