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 Nunavunmi Anngutighatigut Aulapkaijitkut Katimajiat
 Nunavut Wildlife Management Board

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 Tammaqtailinahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin
 Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

September 12th, 2014

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 Aqigiq
 Hunters and Trappers
 Organization

Paul Kanayok
 Chairperson of Kangiqliniq
 Hunters and Trappers
 Organization

Dear Colleagues:

Re: Request by Nunavut Tunngavik Incorporated for an extension to the deadline for filing a reply submission to the Government of Nunavut's August 29th submission to the Nunavut Wildlife Management Board's ongoing Southampton Island caribou public hearing

This letter is a follow-up to the August 18th 2014 correspondence to you from the Nunavut Wildlife Management Board (NWMB or Board), which informed you of the Government of Nunavut's request for an extension to the deadlines for filing written submissions to the NWMB's ongoing Southampton Island caribou public hearing. In that letter, the NWMB asked if any of the other parties had an objection to the requested extensions, and if so, to inform the NWMB in writing by no later than 5:00 p.m. (Iqaluit time) on August 22nd 2014. The NWMB did not receive any objections.

The current amended schedule for filing written submissions is as follows:

- (a) **All parties except Nunavut Tunngavik Incorporated:** File written, translated (Inuktitut/English) reply submissions to Nunavut Tunngavik Incorporated's May 2nd 2014 "Reply to the Government of Nunavut Supplementary Submission" by no later than 5:00 p.m. (Iqaluit time) on **August 29th 2014**;

- (b) **Nunavut Tunngavik Incorporated only:** File written, translated (Inuktitut/English) reply submissions to any August 29th 2014 submissions by no later than 5:00 p.m. (Iqaluit time) on **September 29th 2014**; and
- (c) **All parties except Nunavut Tunngavik Incorporated:** File written, translated (Inuktitut/English) reply submissions to Nunavut Tunngavik Incorporated's September 29th 2014 submissions by no later than 5:00 p.m. (Iqaluit time) on **October 15th 2014** (unchanged).

By written correspondence dated September 4th 2014 (attached), Nunavut Tunngavik Incorporated requested – with reasons - an additional two week extension for filing a reply submission to the Government of Nunavut's August 29th 2014 submission – proposing that **Nunavut Tunngavik Incorporated's new filing deadline be no later than 5:00 p.m. (Iqaluit time) on October 15th 2014**. The NWMB has no objection to the requested extension.

Since the follow-up – and final - filing deadline for all parties except Nunavut Tunngavik Incorporated is currently also on October 15th 2014, the NWMB is proposing a 6 week extension to this deadline, which would be changed to 5:00 p.m. (Iqaluit time) on November 28th 2014. For reasons of fairness, the NWMB's intention is to extend the final filing deadline so that the length of time for the preparation and filing of final submissions is consistent with the previous extensions granted for the other reply submissions.

If any party objects to the requested extension from Nunavut Tunngavik Incorporated or the one proposed by the NWMB, on the basis that one or both of those extensions would prejudice that party, please inform the NWMB in writing – with supporting reasons and any proposed solution – by no later than 5:00 p.m. (Iqaluit time) on September 19th, 2014. 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

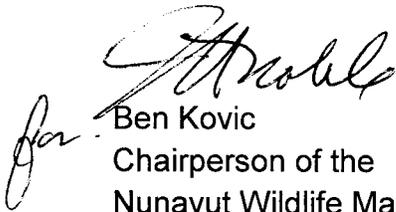
Written objections may be filed with the Board in person, by courier or by mail. They should be clearly marked as pertaining to the *NWMB Public Hearing for Southampton Island Caribou*. Delivery may also be made through fax or electronic transmission, but only if your department or organization confirms by phone with the NWMB – by no later than 5:00 p.m. (Iqaluit time) on September 19th, 2014 – 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.

Following the NWMB's receipt and consideration of any objections, should the Board conclude that Nunavut Tunngavik Incorporated's requested extension or the NWMB's proposed extension will prejudice one or more of the hearing parties, it will inform all hearing parties in writing and take the steps necessary to fairly address such prejudice.

Subject to relevant confidentiality or privacy concerns, all submissions and supporting documentation will be placed on the NWMB's *Public Hearings Registry*, and will be available for download, as soon as possible after they are filed with the Board.

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;
Bert Dean, A/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;
Jackie Price, South Baffin Regional Liaison, Nunavut Inuit Wildlife Secretariat



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

