



Jason Akeearok  
Executive Director  
Nunavut Wildlife Management Board  
Box 1379  
Iqaluit, Nunavut  
X0A 0H0

August 28, 2015

Dear Mr. Akeearok;

**RE: NWMB Southampton Island Caribou TAH and BNL Determination**

On behalf of the Government of Nunavut (GN) I seek Board approval for the filing of additional documents in the captioned proceeding. The GN filed its Book of Documents in this matter in January, 2015. On March 3, 2015 the Board issued a Direction for Pre-Hearing Disclosure (the Direction). The GN has been working in accordance with this Direction since.

Nunavut Tunngavik Incorporated (NTI) has, consistent with s.12 of the Direction, issued written questions to the GN on April 21 and July 8, 2015. GN is finalizing responses to the July NTI questions now. As part of the work related to answering the July NTI questions, GN had to review the documents in its possession. We have identified 7 new relevant documents as a result of this review and after communication with the Department of Justice, we propose to file unredacted versions of them and GN Document 35 from the GN's Book with the Board. We seek Board permission under s. 7 of the Direction to file these documents as soon as possible.

**The Nature and Relevance of the Documents:**

The GN asserted in its Supplemental Submission in this matter the position that the hunters involved in the Southampton Island commercial harvest were either employees or contractors of the companies licensed to conduct the harvest. A number of the NTI written questions to the GN in both April and July have addressed this assertion and the documents and facts related to it. Thus, the nature of the relationship between these hunters and the companies licensed for commercial caribou harvesting operations is relevant and it is in issue. It is also central to the position GN is advancing to the Board.

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The documents in question are:

1. 7 identical 2 page contracts between Tunnuq Harvests Ltd. (Tunnuq) and hunters for the 1996 commercial harvest (the contracts); and
2. An unredacted version of GN document 35.

The contracts list the names of the hunters for that year. They set out the terms of the contract engagement and are consistent with other evidence asserted by GN witnesses and contained in GN documents. The parties involved in each contract were Tunnuq and a separate hunter (7 in total). Admission of these documents will clarify and simplify factual matters in issue in this proceeding.

The unredacted version of document 35 (a summary of wages paid in 2007) will show that some of the same hunters contracted in 1996 were employed by the company conducting the harvest in 2007.

GN provided all of its redacted documents to NTI before selecting the 36 most relevant documents included in its book of documents and filed in January. This included some 488 documents spanning the period from 1994 to 2014. Of those years the largest group of documents came from 1996 (194). The hunter contracts are included in that year and unfortunately GN missed these contracts in that large group.

Review of Nunavut privacy legislation with counsel at the Department of Justice has indicated, given the nature of the NWMB proceeding and the Board's powers, that unredacted documents may be filed. If permitted GN intends to file an unredacted version of document 35 which has been the subject of several NTI questions.

**The Benefits of Admitting the Documents Outweigh Any Prejudice:**

The Board's Directive is clear. Section 7 requires that the Board approve the introduction of a document not on the list previously filed. GN seeks that approval for these 8 documents.

It is early enough in the process that no significant unfairness will result from admission. NTI still has the opportunity to fully review and ask written question about these documents. NTI has not yet filed final argument and can address these documents in argument as well.

The documents are short, easily understood and clearly relevant to facts in issue.


The documents will address and, we suggest, help to resolve questions about contracting with and employment of the hunters, thus simplifying the proceeding and potentially reducing the duration of the hearing. They will assist the Board to understand the relationship between the hunters and the companies responsible for the commercial harvest and to better understand the GN case.

The Board should make its decision in this proceeding based on the best evidence available and admission of these documents will contribute to this goal.

**Conclusion:**

The GN is prepared to provide further explanation or to answer any questions you may have about this application. We look forward to the Board's decision on our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Pinksen', written over a large, stylized circular flourish.

Steve Pinksen  
Assistant Deputy Minister

- c. Director Wildlife NTI  
NWMB Counsel  
NTI Counsel