



Jim Noble, Chief Operating Officer
Nunavut Wildlife Management Board
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email: jnoble@nwmb.com

May 23, 2014

Dear Mr. Noble;

RE: Southampton Island Caribou Public Hearing

The Nunavut Wildlife Management Board (NWMB or the Board) has scheduled a hearing in Iqaluit on June 3rd and 4th 2014 to address issues related to the management of the Southampton Island (SHI) caribou population. In February the Board invited the Government of Nunavut (GN) to file supplemental submissions setting out its evidence for the establishment of a Total Allowable Harvest (TAH) and its position with respect to the calculation of a Basic Needs Level (BNL) for the Inuit who harvest the SHI caribou population. The GN filed its supplemental submission as requested on March 31, 2014. Nunavut Tunngavik Incorporated (NTI) had already made submissions setting out its basic position on these matters and it did not file supplemental submissions.

The NWMB's February 18th letter also offered parties the opportunity to file a reply to any supplemental submissions and on May 2nd, 2014 NTI filed its reply. Included in that reply was a request for additional information to be filed by the GN. On May 8, 2014 the Board corresponded with the GN "inviting" the government to file additional materials. The NWMB letter included a suggestion that it could use its powers under the *Inquiries Act* to compel the attendance of witnesses or the disclosure of documents by the GN. The Board's request for information included all the evidence which NTI suggested was required in its May 2nd submission.

The GN has addressed the Board's request with respect and as a matter of the utmost importance. Efforts were made to locate the information requested and, on May 21, the GN corresponded with the Board to provide an update on progress. Our letter indicated that much of the information would be difficult to find and that very little or none of it would be available for the Public Hearing scheduled for June 3 and 4th. As we indicated in our letter, given the nature of the information requested, the short time frame allotted was not reasonable. The GN is prepared to mobilize its manpower and search for relevant documents in its offices and storage facilities, which are likely located in various locations in the Baffin and Kivalliq regions.

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In the circumstances the GN is of the view that the legal argument proposed for the first day of the June hearing should not proceed. We are requesting that the portion of the hearing intended to address the appropriate way to calculate BNL be adjourned. Our reasons for this request are set out below:

First, the information requested was obviously considered important enough for the Board to request it. GN must be given a fair opportunity to see if it can be located and to provide it to the parties and Board for their consideration.

In the GN's view, if the Board proceeds without providing a fair opportunity to GN to file this information, the inference could and likely would be drawn that GN either did not want to assist the Board or that its position is without foundation. Simply put, the Board opened up this line of inquiry and even suggested that it might use its Inquiry powers to force the GN to provide the information. In these circumstances, proceeding without giving GN the time to make the appropriate searches would not be fair and could materially prejudice the position advanced in the GN's Supplemental Submissions.

At the same time, GN points out that the NTI reply submissions included a number of suggestions that the meat and products of the SHI hunts went to different destinations than suggested by GN. These NTI submissions were obviously based on information which is not before the Board and not in the GN's possession either. The GN respectfully requests that NTI be invited to submit all of that information as well.

Given that the Board has decided, at this late stage, to seek additional evidence, we suggest that it must adjourn the BNL argument. Once new evidence is filed, the only fair process would be to allow both the GN and NTI to review their legal submissions in light of that new evidence.

In conclusion, the GN suggests that a two to three month adjournment is appropriate. Both NTI and GN should be instructed to file any new evidence adduced within six weeks. The parties should then be allowed to revise their arguments within 2 weeks. After that final reply should be allowed a week or two later.

The GN is aware that this matter has been ongoing for some time. But as we pointed out in our May 21 letter, the actual timing of the ruling on BNL is not linked in any way to the other critical issue before the NWMB which has to do with the revision of the SHI caribou TAH. As we indicated, regardless of the outcome of the BNL argument, the TAH is so low that all of it will go to Inuit harvesters for the foreseeable future.

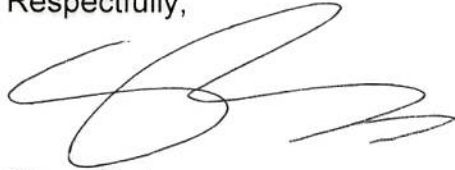
Summary and Recommendations:

1. The hearing on the 3rd and 4th of June should proceed, but it should only deal with the TAH and NQL issues. This NWMB decision is of critical importance to the conservation of this population, and the proposed change in TAH is supported by the Hunters and Trappers Organization.

2. The BNL argument should be adjourned for at least 2 months to enable the parties (NTI and GN) to file any additional evidence which will assist the Board in its determination.
3. Once any new evidence is filed, written arguments and reply (adjustments to positions based on new evidence) should take place.
4. New dates for oral argument can then be set by the Board at its convenience.

The GN submits that the proposed approach would allow prompt consideration of the TAH issue and the conservation concerns, while also allowing sufficient time to ensure that the Board has the best evidence available to make a decision on the BNL issue and to provide a fair opportunity for the parties to adjust their positions in light of any new evidence adduced.

Respectfully,

A handwritten signature in black ink, appearing to read 'Steve Pinksen', written in a cursive style.

Steve Pinksen
Acting Deputy Minister

cc. James T. Arreak, CEO, NTI