



ᐅᐅᐅᐅ ᐅᐅᐅᐅ ᐅᐅᐅᐅ ᐅᐅᐅᐅ  
Building *Nunavut* Together  
*Nunavut* liuqatigiingniq  
Bâtir le *Nunavut* ensemble

ᐅᐅᐅᐅ ᐅᐅᐅᐅ, ᐅᐅᐅᐅᐅᐅᐅᐅ

Tuglia Ministam, Avatiliqiyikkut

Deputy Minister, Department of Environment

Sous-ministre, Ministère de l'Environnement

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

January 2, 2015

January 2, 2015

Dear Mr. Akearok;

**RE: Prehearing Disclosure and Procedure for Southampton Island Caribou BNL Proceeding**

In preparing to participate in the upcoming hearing related to the Southampton Island Caribou BNL Proceeding, the Government of Nunavut (GN) has been working diligently to complete the disclosure of possibly relevant new documents discovered in the Kivalliq Regional Offices of the Department of Economic Development and Transportation. GN counsel notified Board counsel and counsel for Nunavut Tunngavik Incorporated (NTI) of the discovery of these documents in mid-September. Counsel have discussed the documents and the process for their disclosure, along with the steps necessary to complete this proceeding, by teleconference on at least two occasions since that time.

The GN has made best efforts to comply with the Board's instructions to complete this disclosure and collaborate with NTI in developing a proposal for the steps necessary to prepare for a hearing. The GN identified a large number of documents, some of which go back as far as 1994, all of which relate to GNWT and/or GN management of the commercial harvest on Southampton Island. These documents were in storage, or otherwise held by staff of the GN in both paper and electronic format. Within the limits of staff and resources, the GN collected, compiled and copied all potentially relevant documents as quickly as possible. They were transferred to Iqaluit and upon initial review, we determined that a number of these documents included information protected by privacy legislation. Consequently, the GN was required by law to review all of the documents and redact the personal information, before they could be released. This legal obligation took some time to discharge.

.../2



I note that since the GN's September notice of the new documents, NTI has corresponded with the Board on two occasions, October 28 and December 3, 2014. The October 28, 2014 letter contained a detailed proposal for the procedure NTI felt necessary to complete the SHI BNL proceeding. This letter was discussed among counsel in a teleconference. GN counsel advised both NTI and Mr. d'Eca that it was premature to discuss the procedural steps proposed by NTI until at least a preliminary examination of the new documents could be made. Simply put, the dates and timelines set out in the October 28 letter were speculation. Real dates and timelines could not be set out until the disclosure process was completed.

Counsel had agreed that all of the new documents would be provided to NTI as soon as possible. This has been done. We are advised that NTI counsel received the documents on November 26 and that the NTI Wildlife Department received copies on December 3, 2014.

The GN also agreed to provide NTI with a list of those documents which the GN considers to be relevant to the case which it has put before the Board. This list will be in NTI hands during the first week of January, 2015. The Board will be copied with the list and GN will provide copies of all documents on the list to the Board at that time.

At the same time, GN will provide its witness list to NTI and the Board. GN counsel will then need some time to prepare summaries of our witnesses' evidence. That information will be provided to NTI and the Board before the end of January. The GN is prepared, at the Board's convenience, to discuss the process going forward to a hearing, which Board counsel indicates may be held in the spring. I understand that counsel have agreed to schedule another teleconference for the first week in January. I suggest that they address the details of this process during that call.

It is important for the Board to understand that the GN made best efforts to expedite the disclosure of this additional information. We have been totally transparent throughout this process and I can assure you that NTI has all the potentially relevant documents in the government's possession. Some of the documents were not in good shape when copied and there are a few electronic files which simply cannot be opened, but the copies provided to NTI are the same as those which GN is working with.

.../3



