

## **GOVERNMENT OF NUNAVUT (GN)**

### **RESPONSE TO NWMB DIRECTION APPENDIX 1 PARAGRAPH 5(A)**

#### **RELATIONSHIP OF GN DOCUMENTS TO GN WRITTEN ARGUMENT ON BNL:**

##### **A. Documents filed with Government of Nunavut Status Report June 27, 2014:**

1. Appendix A: Copy of the Commercial Wildlife Licence CW000354 to Coral Harbour Community Development Corporation issued February 1, 2006

Commercial harvesting licence issued to corporation conducting harvest of caribou -- subject to Nunavut *Wildlife Act* and licence conditions. Shows the harvest was a regulated commercial activity conducted by a company consistent with GN argument.

2. Appendix B: Copy of the Commercial Wildlife Licence CW000356 to Aiviit Hunters and Trappers Organization issued in February 2, 2007

Commercial harvesting licence issued to Hunters and Trappers Organization (HTO) conducting harvest of caribou -- subject to Nunavut *Wildlife Act* and licence conditions. Shows the harvest was a regulated commercial activity conducted by a company consistent with GN argument.

3. Appendix C: Copy of the Commercial Wildlife Licence CW000361 to Sudliq Developments Limited issued February 20, 2009

Commercial harvesting licence issued to corporation conducting harvest of caribou -- subject to Nunavut *Wildlife Act* and licence conditions. Shows the harvest was a regulated commercial activity conducted by a company consistent with GN argument.

4. Appendix D: Licence Conditions for Commercial Wildlife Licence CW000361, issued to Sudliq Developments Corporation (As represented by Dino Bruce, Director of Operations) of Coral Harbour, Nunavut for the harvest of Caribou in 2009

Conditions for commercial caribou harvesting licence 2009 -- similar to those for other years -- show that company had to have a harvest plan, had a total limit of caribou which could be killed, and that the hunt was centrally managed by the licensed company. DOE staff were on site helping company record data for disease and pregnancy rates etc. Consistent with GN argument that hunt was centrally managed and intended to serve an export market while assisting GN to manage the Southampton Island caribou herd.

5. Appendix E: Copy of the Coral Harbour 2009 Commercial Caribou Harvest Plan submitted by Sudliq Developments Ltd. to the Regional Superintendent of the Kivalliq Region, Department of Environment, Government of Nunavut

2009 Harvest Plan shows the hunt was managed by Sudliq, that Inuit harvesting activities were directed by the company. It shows that Inuit harvesters were killing certain kinds of caribou in a specific way as directed by Sudliq and handling them as required by Agriculture Canada (CFIA). Clearly shows the purpose of the hunt was for the export market. This is consistent with the GN position on the nature and purpose of the hunt and the role of the Inuit harvesters.

6. Appendix F: An Excerpt of the Relevant Sections of the Wildlife Business Regulations, R-024-92

Regulations under which the Southampton Island commercial harvest was authorized.

7. Appendix G: Customer Sales 2006 – 2007

Sales record for Kivalliq Arctic Foods Ltd. indicating sale of commercially harvested caribou 2006-07. Indicates distribution of product outside Nunavut.

8. Appendix H: Customer Sales 1996 – 2001

Sales record for Kivalliq Arctic Foods Ltd. indicating sale of commercially harvested caribou 1996-2001. Indicates distribution of product outside Nunavut.

**B. Documents filed as part of Government of Nunavut Book of Documents, January 2015:**

1. Aiivit Hunters and Trappers Association Caribou Harvest – Draft Business/Work Plan 1994 Prepared by Applied Environmental Services

Shows that government of NWT played key role in starting the commercial harvesting on Southampton Island, including the provision of funding for abattoir. A considerable subsidy was required. Shows that the harvest team was hired and that local hunters were employees who received classroom training for their “jobs”. Shows that, at this stage, government employees were active in managing the operation. Section 9 shows that one of the reasons for the operation was to provide local employment and to manage the herd. Appendix D shows that skidoos were rented and that hunters were provided with ammunition. All these facts are consistent with the GN description of this hunt as a commercial activity initiated by government for both economic development and wildlife management purposes and that Inuit hunters were either employees or contractors operating under supervision of the company holding the commercial harvesting licence.

2. HTA Caribou Harvest Project Overview (undated)

Confirms wildlife management and commercial sales purposes of hunt with employment of 50 individuals planned. Indicates shortfall/ongoing subsidy needed from government. This is consistent with the GN argument about the nature of this commercial activity.

3. September 1, 1995 Memorandum from Jim Lehman, Assistant Superintendent, ED&T, Rankin Inlet, to Jeff Hollet re: Tunnuq 1996 start-up cash requirements

Memo shows skidoo rentals and provision of ammunition to hunters as well as plan for bi-weekly pay periods for employees.

4. September 1, 1995 Memorandum from Jim Lehman to Jeff Hollet re: 1996 Tunnuq Harvest

Similar to document 3 above. Shows ongoing government involvement in organizing annual operation, including bi-weekly pay, rentals etc.

5. Memorandum from Jim Lehman to Bobby Suluk, Arviat re: Tunnuq Harvest, Terms and Conditions of Work dated September 25, 1995

Memo shows intention that all staff were employees and that job descriptions were contemplated. Supervision was provided for and that bi-weekly pay was intended including holiday pay. Memo clearly shows that Inuit from Coral Harbour working on the harvest were intended to be employees.

6. Fax/Letter from Sean Peterson to Sam Emiktowt, Tunnuq Harvest Ltd. dated November 29, 1995 Sean is asking for Sam's comments on the list of people who were on the team in 1995

Shows intention to retain good employees (from 1995) again in 1996.

7. Fax/Memo from Bobby Suluk, Regional Land Claims Coordinator, Renewable Resources to Jim Lehman, ED&T re Tunnuq Harvest Workers dated September 22, 1995

Document shows duties and terms and conditions of work for employees for 1996 harvest. Indicates daily rates of pay and pay periods.

8. Letter from Jim Lehman, Coral to Bobby Suluk, Renewable dated November 8, 1995 re: Tunnuq Harvest and contracts of employment for the local workers. Terms & Conditions of Work and Job descriptions attached

Letter discusses job descriptions and sets out a proposed "employment contract".

9. Fax from Jamie Chambers, Renewable Resource Officer to Jim Lehman with Jamie's letter to Bobby Suluk re: Job Descriptions dated August 23, 1995

Further communication about job descriptions and employment contracts for staff who will work on the 1996 hunt.

10. Commercial Wildlife License – Tunnuq Harvest Ltd. dated January 10, 1997

Commercial wildlife licence indicates the 1997 harvest was regulated by government – all animals killed required a commercial tag and that data about animals was to be collected for wildlife management purposes. Also indicates that the harvest was to strive for export grade caribou inspected by Agriculture Canada. These facts are consistent with the GN argument about the nature of the hunt.

11. Employer's Payroll Statement for 1995 and Estimate for 1996 – Workers' Compensation Board NWT

Evidence that staff of Tunnuq Harvest Ltd. were employees covered by Workers Compensation in 1995-96.

12. Workers Compensation Board Invoice to Tunnuq Harvest Ltd. dated February 16, 1996

Invoice for staff of Tunnuq Harvest Ltd. – employees covered by Workers Compensation in 1995-96 and that WCB payments were to cover all of 1996.

13. Schedule Memorandum from Doris Bruce to Leonard Netser outlining pay days and days to start new time sheets dated March 22, 1996

Evidence of regular pay periods for employees of Tunnuq Harvest Ltd.

14. Letter from ED&T to the Board of Directors of Aiviit HTO responding to their letter in regard to the HTO's intention of focusing on the development of Tunnuq Harvest Limited's commercial interests.

Evidence of GNWT plan to transfer management and control to local staff of Tunnuq Harvest Ltd.

15. Memorandum from Doris Bruce with List of new hires dated February 13, 1996. She explains that they need to provide their SINS and TD-I forms

Evidence of employer – employee relationship between Tunnuq Harvest Ltd. and new hires in 1996. This is consistent with the GN argument that Aiviit Inuit hired for the hunt were employees.

16. Memorandum from Jim Lehman dated February 27, 1996 with list of positions to be filled and list of employees from previous year

List of positions for 1996 employees and list of abattoir workers from 1995. Note recruitment poster advertising "employment vacancies" for 1996.

17. Tunnuq Harvest Ltd. Financials May 31, 1996

Line item 8420 under Expenses (p.3) shows \$73,524.00 paid in wages and benefits to employees.

18. Tunnuq Harvest Financials June 27, 1996

Line item 8420 under Expenses (p.2) shows increment to wages and benefits paid to employees – total is \$78,481.00 by the end of June 1996.

19. Memo from Doris Bruce to Leonard Netser dated February 16, 1996 stating the need for rates of pay for workers

Evidence that Inuit hired to work on harvest were employees.

20. Tunnuq Harvest Accounting Memo 1996 – Outlines accounting items related to pay

Documentary evidence of arrangements for employees by Tunnuq Harvest Ltd. More evidence indicating that GN submission about the role of Inuit harvesters in the commercial harvesting operation is correct.

21. 1996 Southampton Island Caribou Harvest Summary Report

Summary of operation and progress toward local control. Overview confirms government role, investment and regulation of the harvest.

22. Business Plan for 1998/99 – Southampton Island Caribou Harvest

Report on 1997 harvest and business plan for 1998. Indicates a trend toward formal employment contracts with staff contracted for specific functions at a set price with set payment schedules (see p. xiii). In 1997 there were 73 positions resulting in total salary and benefits payments in the order of \$326,162.00. Equipment rentals from Inuit – mostly skidoos were continuing with oil and other consumables provided, including ammunition, for the hunters.

23. WCB Payroll report for January 1997

Document indicates employment of local participants in Tunnuq Harvest Ltd. operations and their WCB coverage.

24. Southampton Island Caribou Harvest Business Plan Y2000.

See Local Benefits s.3.3 page 3 for explanation of overall employment strategy in relation to wildlife management objectives for the Southampton Island harvest. Plan for year 2000 unchanged in this respect from Draft Business/Work Plan for 1994 (Document 1).

25. SMC Southampton Island Caribou Harvest Y2001 Business Plan Y2001

See comments on Document 24.

26. Letter from, SMC Harvest Manager to SMC dated March 29, 2000

Reporting letter indicating satisfaction with employees.

27. Memorandum of Agreement between Aiviit HTO and the SMC dated January 30, 2000

Southampton Meat Company (SMC) MOU with Aiviit HTO allocates responsibility for all hiring/contracting to SMC.

28. Agreement between the Government of Nunavut and the SMC dated July 7, 2000. Nunavut agrees to provide a contribution in accordance with their Grants and Contributions Policy

GN contributes \$75,000.00 to SMC to keep the harvest going.

29. Agreement between the Government of Nunavut and the SMC dated January 26, 2001. Nunavut agrees to provide a contribution in accordance with their Grants and Contributions Policy

GN contributes \$6,600.00 to support SMC.

30. SMC Review Engagement Report September 2001

Financial report shows \$288,724.00 in wages and benefits paid in 2001 and \$186,906.00 in 2000.

31. Research proposal to the Nunavut Wildlife Management Board prepared by the Department of Sustainable Development re pop. est. and condition of island bound caribou

1999 proposal for biological survey to support Southampton Island caribou management.

32. Review of Contributions to Coral Harbour Caribou Harvest dated 2002

Review of government support for Coral Harbour Caribou Harvest 1995-1996 to 2001-2002 indicating over \$983,855.00 in government support. This document is consistent with GN submissions that the harvest was an important element of government efforts both to manage Southampton Island caribou and generate local employment and benefits.

33. Memorandum of Agreement between the Aiviit HTO and Leonard Netser dated December 7, 2006

Similar to Document 27. MOU between the Aiviit HTO and Leonard Nester arranging for Nester to manage the 2007 hunt, including responsibility for terms and conditions of employment and contract services for workers.

34. Contribution Agreement between the Government of Nunavut and the HTO dated January 22, 2007

A 2007 contribution agreement to support the harvest in the amount of \$130,000.00. Note Appendix A: contribution for ammunition and camp supplies as well as \$240,000.00 allocated to labour and provision for remittances to Revenue Canada and WCB payments.

35. Payroll/Accounting for June 2009. Lists employee names and gross amount paid

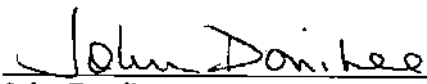
Employee list for 2007 showing gross pay, and deductions for EI, CPP, Nunavut and federal tax and net pay. Consistent with GN assertion that workers were employees.

36. Northern Spreadsheet June 2009

Spreadsheet showing payments to employees.

I hereby confirm by this writing that the Government of Nunavut has complied with the Nunavut Wildlife Management Board's March 3, 2015 Direction paragraph 5(a):

Dated this 7<sup>th</sup> day of April, 2015

  
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John Donihee  
Counsel for the Government of Nunavut