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June 18, 2010

Wek'eezhii Renewable Resources Board
Yellowknife Office
102A 4504-49th Avenue
Yellowknife, NT, X1A 1A7

Attention: Mr. Grant Pryznyk, Interim Chair
Ms. Judy Snortland, Executive Director

Dear Sirs/Mesdames,

Re Joint Caribou Proposal: Disclosure of Documents

Pursuant to your letter dated June 15, 2010, I am writing to request disclosure of the documents listed in this letter, as well as any other documents that may be identified as this process unfolds.

At the outset, I believe that long ago, when the hearing was commenced in November 2009, the Tlicho and ENR should have disclosed ALL documents to the WRRB and interveners, including those that had been requested from stakeholders. All documents in any way connected with caribou and other wildlife population estimates and management should have been disclosed early in this hearing, regardless of whether or not the documents supported the joint proposal. To me, that is full disclosure, and at the appropriate time. Timely disclosure about substance and process is critical to finding the truth and implementing sound management practices.

I appreciate that the WRRB is taking some steps in this direction at this time, and I trust that the WRRB will see the hardships this has caused interveners to date. As you know, both governments are well-funded with teams of staff using public resources, and intervener funding has been refused by ENR and the WRRB. As you also know, this has been a very unusual hearing; the lack of disclosure has added to the chaotic nature of this hearing.

I have done the best I can in this limited three-day time frame to identify documents which I am sure will help the WRRB and Proponents ensure this is a fair hearing. The documents requested relate to assessments of caribou herds and other wildlife, management of caribou matters, review of caribou matters, and decision-making.

Thank you in advance for your consideration.

Sincerely,

Karen McMaster
Enc.

Joint Caribou Hearings
Document requests

Ahiak and Muskox Surveys

All raw data for the 1996 Ahiak Survey and 1996 Muskox Survey (as the calving grounds are miraculously the same shape, chances of 100 billion to one)

Raw data for the 1986 Ahiak Calving Ground Survey as included in ENR Report 126 and as these numbers form the basis of the Ahiak herd history, including flight lines and contracts for sub-contractors including all correspondence related thereto.

Bathurst surveys

- all surveys including the draft 2009 Bathurst Caribou Survey which has not been finalized, yet a hearing has been held on same and emergency measures taken on a draft survey-apparently this document is still not for general public distribution, a year after its completion
- all drafts of this survey prior to the final draft report
- all information related to the exclusion of caribou in the June 2009 survey including all internal correspondence, notes, emails etc-this is close to exclusion of 20% of a very low sample size (11), lower than sample sizes as reviewed by ARC (ARC was concerned greatly with sample sizes and conclusions based on sample sizes of 20)

Wolf and bear data

- all raw wolf and bear data since 1986
- all reports on wolf and bear abundance and harvest

Raw collaring data of all caribou animals since inception of the collaring program in 1996 including, all via individual animal and with assignment to herd and including the Bluenose, Bathurst, Ahiak and Beverly herds

- number of collared animals each year
- locations without deletions
- date of capture
- date of death/failure of collar
- reason for death or reason for failure
- age
- sex
- reproduction status
- assignment to herds
- location of animal when collared
- location of animal upon termination of functioning collar
- length of time on collared info

- identification of collared animals in surveys-which animals are included in ENR surveys
- all raw mortality information from collared and other animals
- calf survival raw data from 2005 and 2006 including video tapes (ENR biologists did not know how to identify yearlings)
- All ENR policies and documents regarding or in any way relevant to collared caribou, including but not limited to all emails internal and external, internal standards, ethics, correspondence with aboriginal groups over the years since inception of the collared caribou system
- All back up files of these collaring movement since 1996
- A description of how collared caribou information is recorded in the field and included in the computer system since 1996
- Computer back-up system generation for the collared caribou information since 1996
- Security system in place for collared caribou system since 1996
- Authorizations for data control over the collared caribou system
- Weekly maps of caribou movements since 1996 as was available to the public in the past

Computer generated caribou movement models

- raw data for each model produced for the hearing
- all copies of draft model reports

Alberta Research Council

- All correspondence, emails- notes of conversations etc with all officials at ARC and external biologists
- All drafts of the ARC report
- All amendments to the ARC report- via email, fax, phone etc.
- All comments received from other biologists regarding the ARC report, comments and comments that were included and not included in the final report or drafts
- All correspondence with ARC before and after they were hired to produce the report and attend the hearing, including 2009 and 2010
- All correspondence and drafts regarding draft terms of reference
- All correspondence between Larry Roy, Jason Fisher, Anne Gunne, John Nishi, John Nagy, John Boulanger and ENR and officials

Contracts

- Tendering system established for ENR contracts including date of system establishment
- All payments from ENR and Tlicho to outside consultants and all contracts related thereto since 2005 including Anne Gunne/her holding company (current advisor to the WRRB and recent past ENR employee), and John Donihee (current legal advisor to WRRB and ENR and recent legal advisor to the Tlicho) and any company they may be involved in, regarding caribou, Tlicho land claim agreement, or Wildlife Management Act

- List of all ENR employees from 1986 to date with date of employment and termination of employment

Harvest Data

- schedules and reports of harvest check stations including personnel, hours worked etc
- regarding check stations, all training manuals, documents confirming provision of training with dates
- all harvest data including all internal memos, emails etc related to harvest
- records of all conversations between ENR and aboriginal groups and residents regarding harvest numbers
- total harvest by Tlicho by sex and age of caribou and season
- total harvest by other first nations of the Bathurst Herd anywhere in their range, by sex and age of caribou and season
- total harvest by residents by sex and age of caribou and season
- total harvest by outfitters by sex and age of caribou and season

Caribou Harvest March 2010

- all documents, memos, records of conversations regarding the harvest in March of 50 animals including all documents related to ENR management of site and all photos of site
- all information obtained from this hunt

Community Hunts

- all documents, correspondence and memos ,records of conversations etc regarding community hunts in NWT since 1996 including harvest data and budget allocations

Miscellaneous

- All reports that discuss the reason for the decline
- All correspondence and records of community visits with Minister Miltenberger in March 1-June 20 2010, including all meetings with MLAS during this time period
- Invitations to participants and potential participants regarding surveys for 2009 and 2010 and all internal memos/records of conversations related thereto and failure to invite other stakeholders
- All reports, document, notes, records of telephone calls etc. in ENR'S possessions that have not been produced related to caribou (that do not necessarily support their position)
- All of Doreen Mandeville's notes (ENR contractor), including those regarding ENR meeting with interveners in April 2010
- All communication with Anne Gunne since her departure from the department and all reports and invoices issued by Anne Gunne or a related company/holding company
- List of documents completed by Anne Gunne while at ENR which ENR does not have, but are in Anne Gunne's possession

- All communication between Tlicho government and ENR, including documents, letters, faxes, emails etc
- All documents related to information regarding Tlicho in new Joint Proposal prior to this date
- All correspondence between the Minister of Environment's office and ENR staff, including all briefing notes
- All correspondence with Nunavut between the years 1996 and 2010 regarding caribou, including records of conversations and memos.- correspondence with all staff etc
- Correspondence with Nunavut regarding Ahiak survey of 2010, including all tendering documents for the contract to do the survey and ENR reasons for not conducting the survey
- All working documents of Jan Adamczewski at ENR, including those regarding the design of a calving ground survey for the Ahiah Herd
- Map of the Traditional Ahiak Calving Ground and which shows overlap with Traditional Bathurst Calving Ground and Traditional Northeast Mainland Herd
- Current ENR documents on the Northeast Mainland Herd
- Compensation systems for ENR personnel including roles and responsibilities, compensation, bonuses
- Hiring process and date of hire for Susan Fleck's position regarding Director of Wildlife
- All employee education training programs for ENR personnel since 1986
- All professional affiliations of current and former ENR staff and membership in environmental groups in the past 10 years
- All ENR internal memos, notes etc to personnel regarding interpretation of aboriginal rights, communication with communities and consultation processes
- All correspondence within ENR and Tlicho and other stakeholders whereby ENR indicates we are in an emergency situation with caribou and all supporting documents related thereto
- All communication with Government of Nunavut since its inception regarding the storage of ENR files
- All communication by ENR with Tlicho in March-May 31, 2010 regarding questions from interveners
- all communication between Tlicho/ENR with the WRRB regarding caribou
- all communication with WRRB regarding the Wildlife Management Act, including the hiring of John Donihee
- statement from Tlicho as to when legal services from Mr. John Donihee terminated or if they are ongoing or statement if Mr. Donihee has provided legal services to them in last 5 years and if they related to the Tlicho land claim agreement
- all correspondence, documents, memos, email and records of conversations held with respect to any aspect related to the Tlicho in the Joint Proposal and Revised Joint Proposal

Contractors

- all correspondence, memos, notes etc with John Boulanger, John Nishi, John Nagi and Anne Gunne as contractors since 1986 and any other contractors related to wildlife management
- Records of all contracts and funds paid to these individuals or associated companies

All other game wildlife

- all correspondence documents emails etc internally or externally regarding status of and management of moose, bison, wolves, bears, fish and other wild game in the NWT.

Supporting reports/documents

- all documents/reports and internal reports that are cited in any of ENR reports that ENR is relying on, including all documents that are “in press” or in draft” or listed “internal communication” . Given the shortness in time to prepare this list, we were unable to prepare a full list related thereto. We note that there are many documents/ conversations etc are cited in the ENR Draft Technical Report December 17, 2009

Gunn, A. 2008. Satellite collaring and calf survival in the Bathurst herd of barren-ground caribou 2003-2005. Manuscript Report (*in press*). Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NWT.

Gunn, A., A. D'Hont, J. Williams, and J. Boulanger. 2008a. Satellite collaring in the Bathurst herd of barren-ground caribou 1996-2005. Manuscript Report (*in press*). Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NWT.

Gunn, A. K.G. Poole, and J. Wierzchowski. 2008b. A geostatistical analysis for the patterns of caribou occupancy on the Bathurst calving grounds 1966–2007. Technical Report to Indian and Northern Affairs Canada, Yellowknife, NWT.

Heard, D. C. and M. Williams. 1990. Caribou project summary and review (Part 1). Unpublished report by Department of Renewable Resources, Government of the Northwest Territories. Yellowknife, NWT.

Heard, D. C. and M. Williams. 1991. Caribou project summary and review (Part 2) – Population Dynamics. Unpublished report by Department of Renewable Resources, Government of the Northwest Territories. Yellowknife, NWT. 47 pp.

Johnson, D., J. Nagy and J. Williams. 2008. Calving Ground Surveys of the

Ahiak Herd of Barren Ground Caribou June 2006-2008. Manuscript Report (*in press*). Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NWT.

Nagy, J.A. 2008a. Evidence that the Cape Bathurst, Bluenose-West, and Bluenose-East Calving Grounds are not Theoretical, and, Justification for the Division of the "Bluenose" Herd into the Cape Bathurst, Bluenose-West, and Bluenose-East Herds. Manuscript Report *In press*. Department of Environment and Natural Resources, Yellowknife, NWT.

Nagy, J.A. 2008b. Population Estimates for the Cape Bathurst and Bluenose-West Barrenground Caribou Herds Using Post-Calving Photography. Manuscript Report *In press*. Department of Environment and Natural Resources, Yellowknife, NWT.

Nagy, J.A., and D. Johnson. 2007a. Calf:cow ratios estimated at or near the peak of calving for the Bluenose-west herd, 2002-2005. Manuscript Report *In press*. Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NWT.

Nagy, J.A., and D. Johnson. 2007b. Calf:cow ratios estimated at or near the peak of calving for the Cape Bathurst herd, 2002-2006. Manuscript Report *In press*. Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NWT.

Rettie, J. 2008. Determining optimal radio-collar sample sizes for monitoring barren-ground caribou populations. Report to the Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NWT.

Boulanger, J. A. Gunn and M. Campbell. 2004. Survival Rate Estimates for adult female caribou in four herds of barren-ground caribou using radio-collared individuals, Northwest Territories and Nunavut. Unpubl. Report for Department of Resources, Wildlife, and Economic Developemnt, Government of Northwest Territories, Yellowknife, NWT.