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Wek'eezhii Renewable Resources Board
102A 4504-49th Avenue
Yellowknife, NT
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Attention: Mr. Grant Pryznyk, Interim Chair
Ms. Jody Snortland, Executive Director

Dear Board Members,

Re Joint Caribou Proposal

I am writing to advise WRRB of a few concerns with the upcoming hearing process and request that WRRB consider implementing some requirements to ensure it is a fair hearing and that interveners have an opportunity to fully and meaningfully participate. I respectfully have detailed the concerns and some suggestions for your consideration below.

1. Request for a deadline for proponents to submit new information in advance of the intervener submission deadline.

- a. ENR has continued to put large volumes of information on the WRRB website, well past the date requested by WRRB and the first submission deadline of January 20th. For a fair hearing where interveners have adequate time to review material in advance of written submissions, and especially for this hearing where all information put forth by parties must be in writing, there should be a date, perhaps at least four weeks in advance of the hearing submission deadline, where the proponents cannot submit any new information. I believe it is fairly standard where there is procedural fairness to have a deadline for an end of new information by proponents. A suggested deadline might be Feb 8th given the pending intervener submission dates of February 17, 2010.

2. Require ENR to comply with the WRRB rules to respond to intervener questions.

- a. The WRRB rules state that proponents shall respond to intervener information requests. I would respectfully ask that the WRRB ask ENR to respond to the outstanding information requests and to produce all requested documents by February 8th so that interveners can adequately prepare for this hearing.

3. Request that ENR provide clarification to WRRB and hearing participants on status and details of proposal being considered at the hearing and process.

- a. There is a concern that ENR/proponents are in the process of making changes to the proposal prior to the hearing. It would be unfair for interveners to prepare for a hearing on a proposal and then have the substance of the hearing change without their knowledge. I have been advised that ENR had ongoing consultations last week with Tlicho communities and other communities in order to gain support within those communities for the joint proposal. Are these consultations going to be made public and when? If this is a joint proposal that is being considered, why are the consultations occurring and are they appropriate at this time? ENR should provide clarification to the WRRB and others on the status and details of the proposal in order to ensure that all parties are making good use of their time and resources. If ENR is making changes to the proposal, I believe it is incumbent on them to inform all parties to the hearing and to give access to details of the revised proposal well in advance of the submission deadline of February 17th. The hearing process would be compromised if the proposal were to change in the middle of the hearing or if all information was not submitted well in advance of the submission deadline.
- b. The WRRB's response dated January 28, 2010 to the Chamber of Mine's request for intervener status indicates that the public hearing is part of a larger "Proceeding". It is unclear how ENR is intending to proceed with a review of recommendations 6-9 which were part of the original WRRB notice for this hearing, but later withdrawn. To understand the process, I would ask ENR to clarify what is the "Proceeding" (which seems to be outside of this WRRB hearing) and to ask ENR how it is going to manage input and decision making for these remaining recommendations, including what their time frame might be for this Proceeding. I see that "Proceeding" is defined in the WRRB rules but I am uncertain about the reference in the context of this letter.

Further, of interest to WRRB, the Globe and Mail reported last week that ENR was going to be entering into agreements regarding critical issues such as the wintering grounds for the Bathurst Herd. I wondered if WRRB was aware and consulted on this and further, if WRRB felt it was appropriate for ENR to be entering into side deals at this time?

I respectfully request that the WRRB require ENR to address these three issues to ensure the integrity and fairness of this WRRB hearing. It is disrespectful to WRRB and interveners for ENR to not provide information fully and in a timely manner.

Sincerely,

Karen McMaster