

2011 01G 0013CP

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION (GENERAL)

**BETWEEN:**

HUGH GEORGE and BEN BELLOWS

PLAINTIFFS

**AND:**

HER MAJESTY THE QUEEN IN RIGHT OF  
NEWFOUNDLAND AND LABRADOR

DEFENDANT

BROUGHT UNDER THE *CLASS ACTIONS ACT*  
BEFORE THE HONOURABLE MR. JUSTICE RICHARD LEBLANC,  
CASE MANAGEMENT JUDGE

**NOTICE TO ADMIT**

**TAKE NOTICE** that the Plaintiffs request that the Defendant, within ten days after service of this notice, to admit for the purposes of this proceeding only and subject to all objections to admissibility that may be asserted at the trial or hearing:

1. that each of the facts set out in Schedule A is true;
2. that each of the documents listed in Schedule B (a true copy of which is attached hereto),
  - (a) that is specified to be a copy, is a true copy.

**AND FURTHER TAKE NOTICE** that, unless the Court otherwise orders, the truth of any such fact and the authenticity of any such document will be deemed to be admitted, for the purposes of this proceeding only, unless you, within the above period, serve upon me a statement that:

- (a) specifically denies the truth of the fact or the authenticity of the document and sets forth in detail the reasons why you cannot make the admission;

- (b) declares that the admission of the truth of the fact or the authenticity of the document cannot be made on the ground of privilege or irrelevancy; or
- (c) that the request is otherwise improper and sets forth in detail the reasons therefor.

**DATED** at St. John's, in the Province of Newfoundland and Labrador, this 21<sup>ST</sup> day of April, 2011.



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**CHES CROSBIE BARRISTERS**

Solicitors for the Plaintiffs

Whose address for service is:

169 Water Street, 4<sup>th</sup> Floor

St. John's, NL A1C 1B1

*Attention: Chesley F. Crosbie, Q.C.*

**TO: DEPARTMENT OF JUSTICE – CIVIL DIVISION**

Solicitors for the Defendant

4<sup>th</sup> Floor, East Block, Confederation Building

PO Box 8700

St. John's, NL A1B 4J6

*Attention: Rolf Pritchard*

**Schedule "A"**

1. There is a causal relationship between the density of moose on insular Newfoundland and the rate of collision between moose and motor vehicles. Specifically, the higher the moose density, the higher the collision rate.

**Schedule "B"**

1. The press release entitled "Additional Moose Licenses Among Changes Made to the 2011-12 Hunting Season" from the Department of Environment and Conservation, Government of Newfoundland and Labrador, dated April 7, 2011, a true copy of which is attached hereto.



Environment and Conservation

April 7, 2011

### Additional Moose Licences Among Changes Made to the 2011-12 Hunting Season

The 2011-12 Hunting and Trapping Guide and big game applications have been mailed to all qualified resident big game hunters in Newfoundland and Labrador.

Changes for the hunting season this year include an increase of 5,020 licences for moose and a one-week extension to the hunting season, both pertaining to moose on the island portion of the province in established hunting zones. This extension is in addition to the three-week extension announced in 2010. Of the 5,020 additional licences, 4,610 are either sex licences in target management areas that border the Trans Canada Highway and major trunk roads of the island.

"We have increased the number of licences in the province this year by more than 5,000, with the majority focused along the Trans Canada Highway and major trunk roads, in an attempt to counteract the number of moose-vehicle incidents that are occurring," said the Honourable Ross Wiseman, Minister of Environment and Conservation. "While we have steadily increased the number of moose licences for the past six years, this is the largest increase to date, as we work toward trying to address the moose-vehicle accident rate in the province."

On the island portion of Newfoundland and Labrador, the overall quota for moose in 2011-12 is 33,440. Included in this total are 50 new non-profit moose licences, for a total of 250 licences available to registered non-profit and charitable organizations. As a result of a new moose management harvest regime established by Parks Canada involving both the Gros Morne National Park and Terra Nova National Park, an additional 530 licences are available in the province's resident big game draw program. Furthermore, Charlottetown Enclave, located adjacent to and within Terra Nova National Park, is now included within the current moose management area 28.

There are no changes to the seasons or quota for island caribou which will remain the same as 2010-11 at 740 licences.

In Labrador, there is an increase of 20 licences in the moose quota, for a total of 205 licences. Changes have also been made to existing moose management area boundaries, including the creation of seven new management areas. Hunters are advised to review these changes carefully before applying for a licence.

Eligible big game hunters may participate in the province's moose and island's caribou draw for a licence or pool advancement by submitting an application in the mail or by going online and visiting [www.wildlife.gov.nl.ca](http://www.wildlife.gov.nl.ca). The deadline for receipt of moose and caribou applications is the close of business on May 6, 2011, while the deadline for spring bear applications is April 29, 2011 and fall bear applications is June 24, 2011. Black bear applications can be found within the Hunting and Trapping Guide. Additional copies of the 2011-12 Hunting and Trapping Guide are available by contacting a wildlife division office. It is also available at [www.gov.nl.ca/env/wildlife/publications.htm](http://www.gov.nl.ca/env/wildlife/publications.htm). Highlights of the guide can be found in the backgrounder below.

The public is also advised that the Wildlife Division office formerly located at Building 810 in Pleasantville, St. John's, has been moved to the Provincial Agriculture Building on Brookfield Road.

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Media contact:

Melony O'Neill

Director of Communications

Department of Environment and Conservation

709-729-2575, 689-0928

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#### BACKGROUNDER

#### Highlights of the 2011-12 Hunting and Trapping Guide

##### Application Deadlines

The deadline for receipt of moose/caribou applications or applying online in the 2011 draw is the close of business on Friday, May 6, 2011. Spring black bear applications and payments must be submitted or completed online by the close of business on April 29, 2011. Fall black bear applications must be submitted or completed online by the close of business on June 24, 2011. Please note that black bear applications/payments must be mailed separately from moose/caribou applications.

**Non-Profit Moose Licence Applications**

The deadline for registered non-profit moose licence applications is the close of business hours on May 6, 2011. Applications and additional information about this program are available at [www.gov.nl.ca/env/wildlife/permits/index.html](http://www.gov.nl.ca/env/wildlife/permits/index.html).

**Hunting on a Sunday**

For 2011-12, hunting on a Sunday is permitted between October 2, 2011 and April 30, 2012 throughout all areas of Newfoundland and Labrador, provided that a person is in possession of a valid hunting licence and that the season for the game being hunted is open. The hunting of game on a Sunday is permitted throughout all inland and coastal areas of Newfoundland and Labrador during this period.

**Small Game**

Snarers are required to use only 22-gauge brass wire or six-strand picture cord attached to a firm anchor to snare snowshoe hare (rabbits), grouse or ptarmigan in all areas open to snaring on the island of Newfoundland. Using stainless steel wire, including its use with a modified coil device, is prohibited. This assists with ongoing efforts to mitigate the accidental capture of the threatened Newfoundland marten and helping reduce accidental capture of other non-target species.

The Wildlife Division is continuing its ptarmigan wing tip collection program, in order to assess age structure of the harvest and aid in developing population trends of ptarmigan. Ptarmigan hunters are asked to submit the wing tips of harvested birds.

For further information please call 709-637-2067.

**Youth Hunting/Fishing Exchange Program**

To recognize and encourage participation among young hunters and anglers in Atlantic Canada, the provinces of Newfoundland and Labrador and Nova Scotia have once again endorsed the Youth Hunting/Fishing Exchange Program for 2011. In Newfoundland and Labrador, the opportunity to be considered for the Youth Hunting/Fishing Exchange Program is open to all residents between the ages of 12 and 17 who complete a Firearms Safety/Hunter Education Course between July 2010 and June 2011. More details are outlined in this year's Hunting and Trapping Guide.

**Big Game Highlights****Moose (Newfoundland)**

The total quota for 2011-12 is 33,440, for an overall total increase of 5,020 licences compared to 2010-11 season. Of the 33,440 licences, 20,295 are either-sex, 12,645 are male-only or calf and 500 are female-only or calf. For residents, 29,515 of these licences are available and 3,925 are available to non-residents.

Increases to licence quotas have occurred in Moose Management Areas (MMAs) 1 (300), 2B (10), 4 (100), 5 (100), 6 (150), 7 (100), 8 (200), 9 (150), 10 (200), 11 (200), 12 (50), 13 (100), 14 (250), 15 (250), 16 (150), 17 (50), 18 (50), 19 (100), 20 (50), 21 (100), 22 (200), 23 (200), 25 (200), 27 (100), 28 (125), 29 (300), 30 (100), 31 (100), 32 (50), 33 (100), 34 (100), 35 (100), 36 (100), 38 (80), 40 (100), 41 (100), 42 (75) and 44 (150). Decreases to licence quotas have occurred in Moose Management Areas (MMAs) 2 (-200) and 45 (-300). 530 moose licences are available in the resident big game licence draw as a result of the establishment of two new moose management areas in Gros Morne National Park and one in Terra Nova National Park. 50 new not-for-profit licences have been added for a total of 250 licences available to charitable and not-for-profit organizations. All previously established seasons for hunting moose on the Island have been extended by one week. The boundary description for Moose Management Area 28 (Black River) has been adjusted to include the Charlottetown Enclave that is adjacent and within Terra Nova National Park. The adjustment clarifies previous concerns related to whether or not the Charlottetown Enclave was included in MMA 28.

**Caribou (Newfoundland)**

On the Island, licence quotas for caribou will remain the same as the 2010 hunting season at 740 animals, consisting of 390 either-sex and 350 male-only licences. Of these licences, 474 are available to residents and 266 to non-residents.

**Moose (Labrador)**

Significant changes have occurred to MMAs within Labrador and include the creation of new MMAs, boundary and quota adjustments, as well as zone name and number sequence changes. The overall quota has been increased by 20 licences for a total of 205 either-sex licences.

**Caribou (Labrador)**

Changes to the management of George River caribou were implemented in 2010 and included a reduction in the bag limit to one animal per licence, elimination of the licensing transfer system and elimination of commercial activities. These changes continue to be evaluated and may be altered prior to the start of the 2011-12 season, pending ongoing research and monitoring efforts. All

caribou hunting zones in Labrador, with the exception of the George River, Bay of Islands and Big River zones, will have season dates that will only open when there is sufficient information to suggest that George River caribou have migrated to the area. An announcement via news release will be issued as soon as it is determined that George River caribou are occupying these zones. Efforts to enhance the collection of data from harvested George River caribou are in effect. Hunters who submit the jawbones and licence returns of harvested George River caribou taken in 2010-11 hunting season by May 6, 2011 will be entered into a draw for several prizes being provided by the Wildlife Division. For more information, please review the 2011-12 Hunting and Trapping Guide.

### Big Game Seasons 2011-12

<b>Moose – Newfoundland</b>	
Area 1 to 27, 37, 39 to 43 and 45	September 10, 2011 to January 8, 2012
Area 28 to 36, 38, 44 and 47	October 1, 2011 to January 29, 2012
National Park MMAs	October 11, 2011 to January 8, 2012
<b>Moose – Labrador</b>	
All Areas	September 10, 2011 to March 11, 2012
<b>Caribou – Newfoundland</b>	
Area 61, 62, 64, 66 to 69 and 76 to 79	September 10, 2011 to December 11, 2011
Area 70	September 10, 2011 to October 2, 2011
Area 71	September 3, 2011 to November 6, 2011
Area 72	September 10, 2011 to October 9, 2011
<b>Caribou – Labrador</b>	
George River, Bay of Islands, Big River	August 10, 2011 to April 30, 2012
Seal Lake, Nipishish Lake, Grand Lake, Mulligan River, Double Mer Barrens, Orma South, Orma North, Michikamau East, Michikamau West, Twin Falls, Colville Lake, Sawbill Lake, Milner Lake, McPhayden River, Lac Virot	To Be Determined
<b>Black Bear – Newfoundland</b>	
Spring 2011 (All Open Areas)	May 7, 2011 to July 9, 2011
Fall 2011 (All Open Areas)	September 10, 2011 to November 6, 2011
Spring 2012 (All Open Areas)	May 5, 2012 to July 7, 2012
<b>Black Bear – Labrador</b>	
Spring 2011 (All Open Areas)	April 1, 2011 to July 13, 2011
Fall 2011 (George River Zone)	August 10, 2011 to November 30, 2011
Fall 2011 (Labrador South Zone)	September 1, 2011 to November 30, 2011
Spring 2012 (All Open Areas)	April 1, 2012 to July 13, 2012

### Coyote Shooting Season 2011-12

Province-wide

September 10, 2011 to July 7, 2012

**Small Game Seasons 2011-12**

<b>Ptarmigan</b>	<b>Shooting</b>	<b>Snaring</b>
Avalon/Swift Current	September 17, 2011 to November 13, 2011	October 8, 2011 to February 26, 2012
Burin	September 17, 2011 to November 13, 2011	CLOSED
The Topsails	September 17, 2011 to November 27, 2011	October 8, 2011 to February 26, 2012
Bell Island	September 17, 2011 to November 13, 2011	CLOSED
Remainder of Island	September 17, 2011 to December 11, 2011	October 8, 2011 to February 26, 2012
Labrador	October 1, 2011 to April 20, 2012	October 1, 2011 to March 31, 2012
<b>Grouse</b>	<b>Shooting</b>	<b>Snaring</b>
Island	September 17, 2011 to December 25, 2011	October 8, 2011 to February 26, 2012
Bell Island	September 17, 2011 to December 25, 2011	CLOSED
Labrador	October 1, 2011 to April 20, 2012	October 1, 2011 to March 31, 2012
<b>Snowshoe Hare</b>	<b>Shooting</b>	<b>Snaring</b>
Great Island	October 8, 2011 to December 25, 2011	October 8, 2011 to December 25, 2011
Little Bay Islands	October 8, 2011 to November 6, 2011	October 8, 2011 to November 6, 2011
Bell Island	CLOSED	CLOSED
Remainder of Island	October 8, 2011 to February 26, 2012	October 8, 2011 to February 26, 2012
Labrador	October 1, 2011 to April 20, 2012	October 1, 2011 to March 31, 2012
<b>Arctic Hare</b>	<b>Shooting</b>	<b>Snaring</b>
Island	CLOSED	CLOSED
Labrador	October 1, 2011 to April 20, 2012	October 1, 2011 to March 31, 2012

**Trapping Highlights**

Renewal applications for beaver trapline licences on the Island must be received on or before October 15, 2011. Failure to renew beaver trapline licences may result in forfeiture of the trapline.

The lynx season on the Island has been reopened for Zone A only. Trappers must surrender all lynx (pelt and carcass) trapped accidentally to a Department of Natural Resources office within seven days after the time of capture.

In Labrador, licensed trappers are asked to voluntarily submit lynx carcasses to the nearest Department of Natural Resources office not later than seven days after the date of capture. The Wildlife Division will pay \$50 to Labrador trappers for lynx carcass submissions.

**Trapping Seasons 2011-12****Newfoundland**

<b>Species</b>	<b>Season Dates</b>
Beaver	October 20, 2011 - March 15, 2012
Muskrat	October 20, 2011 - March 15, 2012

Otter	October 20, 2011 - March 15, 2012
Mink	November 1, 2011 - February 28, 2012
Coyote	October 20, 2011- February 1, 2012
Fox, Coloured	October 20, 2011- February 1, 2012
Fox, White	October 20, 2011- February 1, 2012
Lynx	November 5, 2011 – December 4, 2011 (Zone A Only)
Ermine (Weasel)	October 20, 2011 - February 28, 2012
Squirrel	October 20, 2011- February 28, 2012

**Labrador**

Species	Labrador North	Labrador South
Beaver	October 15, 2011 - May 31, 2012	October 15, 2011 - May 31, 2012
Muskrat	October 5, 2011 - May 31, 2012	October 15, 2011 - May 31, 2012
Otter	October 15, 2011 - March 31, 2012	October 15, 2011 - March 20, 2012
Mink	November 1, 2011 - March 1, 2012	November 1, 2011 - March 20, 2012
Coyote	October 15, 2011 - March 31, 2012	November 1, 2011 - March 20, 2012
Fox, Coloured	October 15, 2011 - March 31, 2012	November 1, 2011 - March 20, 2012
Fox, White	October 15, 2011 - May 31, 2012	November 1, 2011 - March 20, 2012
Lynx	October 15, 2011 - March 31, 2012	November 1, 2011 - March 20, 2012
Wolf	October 15, 2011 - April 30, 2012	November 1, 2011 - April 30, 2012
Ermine (Weasel)	October 15, 2011 - March 31, 2012	November 1, 2011 - March 20, 2012
Squirrel	October 15, 2011 - March 1, 2012	November 1, 2011 - March 20, 2012
Marten	October 15, 2011 - March 31, 2012	November 1, 2011 - March 20, 2012
Fisher	No Open Season	No Open Season
Wolverine	No Open Season	No Open Season

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12:50 p.m.

Last Updated: April 7, 2011

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