

NUNAVUT PLANNING COMMISSION
PUBLIC HEARING ON THE 2016 DRAFT NUNAVUT LAND USE PLAN

Wek'èezhì Renewable Resources Board

PRE-HEARING WRITTEN SUBMISSIONS

Filed by:
J. Grant Pryznyk, Chair & Jody Pellissey, Executive Director
January 13, 2017

Wek'èezhì Renewable Resources Board
Submission for the Public Hearing on the 2016 Draft Nunavut Land Use
Plan

1/13/2017

1 Background and Objectives

As per Chapters 12, 13, 14 and 16 of the Tłı̄ch̄ Agreement, the Wek'èezhì Renewable Resources Board (WRRB) has a mandate for wildlife, plant and forest management in Wek'èezhì, and adheres to the principles and practices of conservation in fulfilling its duties. The Board is an institution of public government, which uses the best available Tłı̄ch̄ and local knowledge, scientific information, and expert opinion to make balanced management decisions on an ecosystemic basis.

The WRRB requested participant status in the Draft Nunavut Land Use Plan (DNLUP) Public Hearing on May 29, 2015. The Nunavut Planning Commission (NPC) confirmed the Board's standing on June 4, 2015. The WRRB submitted its formal written position on June 9, 2015. On November 15, 2016, the WRRB submitted two expert reports related to its 2016 Bathurst Caribou Herd Proceeding, and two expert reports related to its 2016 Bluenose-East Caribou Herd Proceeding. For each proceeding, a Part A report was prepared to respond to proposed harvest management actions as well as a proposed wolf feasibility assessment; a Part B report was prepared to respond to actions related to self-regulation, additional predator management actions, biological and environmental monitoring, and cumulative effects. The WRRB plans to attend the NPC's public hearing in Iqaluit, NU, scheduled for March 21-28, 2017.

The WRRB has interest in the highest form of protection for barren-ground caribou calving and post-calving grounds, as well as key access corridors and freshwater crossings, notably for the Bathurst and Bluenose-East herds that overlap both Nunavut and the Northwest Territories. Calving grounds are an area where no exploration or development should occur at any time, as they are significantly important for caribou ecology both spatially and temporally. The WRRB's interest is related to the potential transboundary effects of the DNLUP to the Northwest Territories through the DNLUP's potential impacts on migratory species, such as the barren-ground caribou, and species at risk, such as the grizzly bear, wolverine, short-eared owl and Peregrine falcon.

Tłı̄ch̄ harvesters have been limited in their harvest of the Bathurst and Bluenose-East caribou herds in order to allow the herds every opportunity to recover and increase in size. Activities on calving and post-calving grounds, access corridors and freshwater crossings may put the herds at further risk and ultimately affect harvesting opportunities for Tłı̄ch̄ and other Aboriginal harvesters in NWT.

2 General Comments and Recommendations

Barren-ground caribou

The WRRB believes barren-ground caribou calving and post-calving grounds, as well as key access corridors and freshwater crossings, should receive the highest level of protection in the DNLUP, including the possibility of creating Protected Areas. The calving grounds should not be subject to exploration or development at any time, as the calving grounds have significant importance for caribou. The protection of

calving and post-calving grounds, access corridors and freshwater crossings is a major concern for conservation of a number of barren-ground caribou herds, in particular the Bathurst and Bluenose-East herds. Both the Bathurst and Bluenose-East caribou herds are considered to be in decline. Based on a calving ground photographic survey conducted in June 2015, both the Bathurst and Bluenose-East caribou herds have continued to decline significantly.

The total number of Bathurst breeding females has declined from an estimate of 15,935 (95% CI=13,009-18,861) in 2012 to an estimate of 8,075 (95% CI=4608-11,542) in 2015, a decline of about 50%. The total Bathurst population estimate fell from 34,690 (95% CI=24,935-44,445) in 2012 to an estimate of 19,769 (95% CI=12,349-27,189) in 2015 – a decline of approximately 40% over three years and a decrease of 96% since the peak population estimated at 470,000 in 1986.

The total number of Bluenose-East breeding females has declined from an estimate of 34,472 (95% CI=30,109-38,835) in 2013 to an estimate of 17,396 (95% CI=12,780-22,012) in 2015, a decline of about 29%. The total Bluenose-East population estimate fell from 68,295 (95% CI=50,254-86,336) in 2013 to an estimate of 38,592 (95% CI=33,859-43,325) in 2015 – a decline of approximately 43% over two years.

Harvesters in the NWT have been limited in their harvest of the Bathurst and Bluenose-East caribou herds in order to allow the herds every opportunity to recover and increase in size. The Board believes that maintaining herd health and harvesting opportunities requires careful consideration, and acknowledges that the DNLUP recognizes food security and access to country foods, such as caribou, are of the utmost importance to residents of Nunavut and neighboring jurisdictions.

In December 2015, the Tłı̄chq̄ Government and the Government of the Northwest Territories, Department of Environment and Natural Resources submitted the *Joint Proposal on Caribou Management Actions for the Bathurst Herd: 2016-2019* and the *Joint Proposal on Management Actions for Bluenose-East Caribou 2016-2019* to the WRRB, which proposed new restrictions on hunter harvest, predator management to reduce wolf populations and ongoing biological monitoring. After review and analysis of the proposals, the WRRB complied with Section 12.3.10 of the Tłı̄chq̄ Agreement and initiated the 2016 Bathurst Caribou Herd Proceeding and the 2016 Bluenose-East Caribou Herd Proceeding.

Throughout the proceedings, the Board repeatedly heard from governments, communities and members of the public of their concerns over the continued decrease of the Bathurst and Bluenose-East caribou herds, including recognition of the rapid rate of the decline. Vital rates associated with the herds, including the cow survival rate, calf recruitment, and pregnancy rate, as well as impacts of environment factors and extensive exploration and development on the herds' annual ranges, all indicate that the herds are likely to continue to decline in the near future. The WRRB concluded, based on all available Aboriginal and scientific evidence, that a serious conservation concern exists for the Bathurst and Bluenose-East caribou herds and that additional management actions are vital for herd recovery.

The WRRB determined that a total allowable harvest of zero shall be implemented for all users of the Bathurst caribou herd within Wek'èezhìi for 2016 to 2019. The WRRB also determined that a total allowable harvest of 750 bulls-only shall be implemented for all users of the Bluenose-East caribou herd within Wek'èezhìi for 2016 to 2019. While the Tłı̄chq̄ and other traditional users stand to lose a close connection with caribou and the land, it was noted that any harvesting from the Bathurst herd is no longer scientifically and culturally viable. Further, while a harvest closure or limited harvest does not ensure that the caribou herds will stabilize or recover, harvest limitations based on the precautionary principle will

eliminate or reduce any direct and/or additional sources of mortality to the Bathurst and Bluenose-East caribou herds caused by people.

Also, the Board recommended the development of criteria to protect key caribou habitat, including water crossings and *tataa* (corridors between bodies of water), using the Conservation Area approach in the NWT's *Wildlife Act*, offsets and values-at-risk in a fire management plan. Further, the completion of the Bathurst Caribou Range Plan and the long-term Bathurst Caribou Management Plan were requested with measures to be implemented in the interim to provide guidance to users and managers of the Bathurst caribou herd range. Additionally, the WRRB recommended the continued refinement of the Inventory of Landscape Change, the integration of Wildlife and Wildlife Habitat Protection Plans and Wildlife Effects Monitoring Programs objectives for monitoring the effects of development on caribou in Wek'èezhìi, and the development of monitoring thresholds for climate indicators.

The Board appreciates that the DNLUP weighs ecological, social and economic factors with regards to areas identified as sensitive wildlife habitat, and that the DNLUP also recognizes the importance of caribou habitat, including the calving and post-calving areas, key access corridors and freshwater caribou crossings. The Board understands that under the DNLUP, core caribou calving and post-calving areas, key access corridors and freshwater caribou crossings are assigned a Protected Area Land Use Designation that prohibits incompatible uses, applying to where both high mineral potential has and has not been identified.

The Board also notes that barren-ground caribou have recently been assessed as threatened by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), which further emphasizes the importance of the DNLUP recognizing the importance of caribou calving and post-calving areas, access corridors and freshwater crossings.

Species at Risk

The WRRB notes that, in addition to barren-ground caribou, the DNLUP will also have transboundary impacts in the Northwest Territories on several species at risk that are of particular management concern. Protecting key habitats and mitigating and monitoring potential impacts are a major concern for the conservation of species at risk.

Under the *Species at Risk Act* (SARA) (s.79), species at risk are protected from the effects of development in that potential impacts are to be identified, mitigated and monitored regardless of their level of significance. Best practices for considering wildlife at risk in environmental impact assessment suggest that COSEWIC listed species be treated in a similar fashion to species listed under SARA. The species of concern are:

- Peregrine falcon, anatum/tundrius complex – Special Concern (SARA);
- Short-eared owl– Special Concern (SARA);
- Grizzly bear – Special Concern (COSEWIC); and,
- Wolverine – Special concern (COSEWIC).

The WRRB acknowledges that the DNLUP mentions areas important to species at risk in the Options and Recommendations report. The report identifies a number of key areas where peregrine falcons, short-eared owls, grizzly bears, and wolverine may be found, and recommends that a number of important areas be assigned a Protected Area Land Use Designation. However, important areas may also be assigned a Special Management Area Land Use Designation, which though prohibiting certain uses, may still allow for land use activities. The Board wants to ensure that where species at risk may be impacted by activities, the

highest degree of protection is provided in all instances as well as ensuring all appropriate mitigative measures are implemented.

Concluding remarks

It is the WRRB's position that the Bathurst and Bluenose-East calving and post-calving grounds, as well as key access corridors and freshwater crossings, should be areas where no exploration or development occurs at any time, as those areas are of the utmost importance to the health and sustainability of both herds. Impacts to key habitats for species at risk such as peregrine falcons, short-eared owls, grizzly bears, and wolverine are also of concern, and management of critical areas must offer the highest degree of protection to these species as well as ensuring all appropriate mitigative measures are implemented. The Board wants to ensure that the implementation of the DNLUP addresses the Board's barren-ground caribou and species at risk concerns, as these concerns highlight transboundary issues that impact the Northwest Territories.

Please note: In the 2016 Draft Nunavut Land Use Plan: Options and Recommendations report, Sections 2.2.1.1, p.41 (Caribou Calving Areas) and 2.2.1.2, p.42 (Caribou Post-Calving Areas) identify participants that have recommended protection of caribou calving and post-calving areas. The WRRB recommended protection of both caribou calving and post-calving areas in its written submission, dated June 9, 2015; however, the Board is not identified in either list.