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February 14, 2020

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Kitikmeot Inuit Association Submissions to the Nunavut Wildlife Management Board  
About the Proposed Total Allowable Harvest for Bathurst Caribou

For

Gjoa Haven  
Okhoktok

Information:

Decision: X

Taloyoak

*Issue: Government of Nunavut's Proposal for Decision to the Nunavut Wildlife Management Board seeking to Decrease the Total Allowable Harvest for Bathurst Caribou from 30 to 0*

Kugaaruk

## **BACKGROUND & FACTS**

The Government of Nunavut ("GN") has applied to the Nunavut Wildlife Management Board ("NWMB") to decrease the Total Allowable Harvest ("TAH") for Bathurst Caribou herds in Nunavut from 30 to 0.

The NWMB is holding a hearing on March 5-7, 2020 in Cambridge Bay to consider the GN application.

The NWMB granted Kitikmeot Inuit Association ("KIA") party status in this matter.

KIA is the Regional Inuit Association for the Kitikmeot. KIA represents the interests of the Kitikmeot Inuit by protecting and promoting their social, cultural, political, environmental and economic well-being.

During KIA's review of the GN application and to prepare this submission, KIA has spoken with the Kugluktuk and Ekaluktutiak Hunters and Trappers Organizations, the Kitikmeot Regional Wildlife Board ("KRWB"), and Nunavut Tunngavik Inc. ("NTI").



KIA has retained Dr. Anne Gunn to review GN's technical information for the proposed TAH. Dr. Gunn is a caribou biologist with extensive experience designing and managing caribou management programs for territorial governments and advising co-management boards about wildlife management and environmental impact assessment matters related to caribou. Her comments on the sampling data and GN's proposal are incorporated into this submission and Appendix A.

Caribou are of central importance to Inuit culture. Access to caribou is critical to Inuit food security and cultural continuity. Wildlife harvesting is integral to the way of life for Inuit communities.

GN has provided the following documents to support its proposal to reduce the TAH to 0:

- 1 a GN Briefing Note on the Bathurst caribou herd population estimate from a 2018 calving ground photographic survey and harvest recommendations
- 2 a presentation on the 2018 population estimate of the Bathurst caribou herd
- 3 The HTO Consultation Report for Bathurst Caribou Management Recommendations
- 4 The Reports on Bathurst Caribou Herd 2018 Estimate, in Nunavut
- 5 Estimates of Breeding Females & Adult Herd Size and Analyses of Demographics for the Bathurst Herd of Barren-Ground Caribou: 2018 Calving Ground Photographic Survey

There is no reference to Traditional Knowledge ("TK") or Inuit Qaujimajatuqangit ("IQ") in the GN submissions. There is also no discussion of the impact of this proposal on Inuit culture, health or rights granted under the *Nunavut Agreement* and the *Constitution*.

## **ANALYSIS & ARGUMENT**

KIA understands that Bathurst caribou populations have been declining and there is a need to implement a conservation approach. However, any conservation approach must minimally infringe on Inuit rights under the *Nunavut Agreement* and the *Constitution* while providing a full understanding of the proposed GN management approach to the Bathurst caribou population in order to understand the likely effects on Inuit and Inuit rights.

KIA's submissions are set out below and organized under the following topics:

- 1 The Inuit family at Contwoyto Lake should be permitted to continue to maintain their subsistence lifestyle and contribute to caribou management



- 2 GN needs to take a balanced approach to Bathurst caribou conservation and management that includes partnering with and recognizing the important role of Inuit and Hunter and Trapper Organizations (“HTOs”)
- 3 The GN proposal does not include TK or IQ
- 4 Responses to NWMB Request for Submissions

KIA’s recommendations to the NWMB are at the end of our submission.

**1. KIA Requests a TAH of 10, Allocated to the Family at Contwoyto Lake**

The GN’s proposed TAH of 0 will negatively impact the continuity of Inuit culture and traditions. It will also impose undue hardship on an Inuit family living at Contwoyto Lake that maintains a subsistence lifestyle and depends on caribou as a source of food. A TAH of 10 will neither accelerate nor measurably change the decline of the Bathurst herd.

KIA is requesting that the NWMB set the TAH at 10, with all tags to be allocated to the family at Contwoyto Lake for use in subsistence hunting.

KIA believes this is a reasonable request based on the need to ensure continuity of Inuit culture and traditions, the contribution of this family to the monitoring and conservation of caribou, and the negligible biological impact of removing 10 Bathurst caribou from the herd.

*Continuity of Culture and Traditions*

Harvesting is integral to the way of life for Inuit communities. Caribou are important to allow Inuit to thrive physically, spiritually and culturally. Prohibiting the family at Contwoyto Lake from taking Bathurst caribou will create food security issues for them.

Allowing the family to take 10 Bathurst caribou will maintain important cultural linkages with caribou with minimal impact of harvest on the herd.

*Contribution to Monitoring and Conservation*

Allowing the Inuit family to continue to take 10 Bathurst caribou annually will also further monitoring and conservation efforts for the Bathurst caribou. The family currently works with the Boots on the Ground Program run by the Tłı̄ch Government (“TG”). Through the family’s hunting and use of caribou, the family provides important monitoring information to the Boots on the Ground program about the health and location of the Bathurst caribou herd.

The family, through their efforts to live on the land, also support conservation efforts through wolf removal. Wolves are a known predator of caribou. In the past year, the



family has harvested around 50 wolves, reducing predation on the Bathurst caribou populations.

### *Biological Impact*

A TAH of 10 is unlikely to create a measurable impact for the Bathurst herd.

With the appropriate level of predator management and ongoing monitoring of Bathurst caribou population numbers, there is no reason why the Board should not permit a low harvest level such as the TAH of 10 for the Bathurst herd.

A TAH of 10 is unlikely to measurably accelerate a decline or prevent a recovery of the Bathurst herd. Given government sampling methods and statistical variance, it is scientifically impossible to detect changes of the Bathurst caribou population as small as 10 caribou.

## **2. Need for an Approach to Conservation that Minimally Infringes on Inuit Rights as per the Nunavut Agreement and the Constitution and Incorporates Inuit Management**

KIA requests that the NWMB require GN to take an approach to the conservation and management of the Bathurst caribou that reflects the requirements of the *Nunavut Agreement*, the *Constitution* and unique co-management structure established in Nunavut. The *Nunavut Agreement* and the Courts are clear that where there is a requirement for conservation, the conservation actions must minimally infringe on Inuit rights.<sup>1</sup>

Based on the evidence submitted, the GN approach is to eliminate Inuit hunting of the Bathurst herd. The GN evidence for this hearing does not include any information about GN programs that will manage other threats to Bathurst caribou or increase populations. There is no plan to measurably reduce predators.

The herd size is directly impacted by caribou deaths from predation, harvesting and other causes such as disease or accidents. GN must look at all causes of death and create a plan that addresses these causes in way that stabilizes the herd size and minimizes impacts on Inuit rights and culture. An effective plan for predator management is a key part of managing herd size and reducing caribou deaths.

A 2017 report from the Tlicho Government recognizes the impacts wolves can have on caribou. The 2017 report includes information shared by the Inuit family living at Contwoyto Lake that "... in recent years, most of the Bathurst herd had remained north of the treeline and on the barren lands through both summer and winter, instead of travelling south to the southern boreal forest. The presence of caribou on the barren lands, and

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<sup>1</sup> *R v Sparrow* [1990] 1 SCR 1075, [1990] SCJ No 49. See also *Kadlak v Nunavut (Minister of Sustainable Development)* 2001 NUCJ 1.



specifically on the post-calving range throughout the year provides a secure and steady supply of meat for the wolves in the area, like never before. Every year, John F. Koadluak harvests between 30 and 50 wolves in this area. John only hunts in the direct vicinity of his camp as there is a high wolf population in the area.”<sup>2</sup>

The GN materials include a summary of a DOE meeting on October 7, 2019 with the Kugluktuk, Ekaluktutialik and Burnside HTOs and Cambridge Bay community. The HTOs and community were clear that TAH of 0 would threaten food security and culture and that GN needed to assess alternative conservation measures. During this meeting the communities requested additional recommendations for predator control with higher incentives for wolf harvesting to assist with conservation. The HTO has also raised concerns about increasing populations of grizzly bears, and a need to manage the impact of bear predation on caribou populations.<sup>3</sup>

Additional planning for predator management has also been cited as a requirement for Bathurst caribou by the Wek’eezhii Renewable Resources Board (“WRRB”). In a 2019 Report, the WRRB states that conservation management plans for Bathurst caribou must include gathering information on sighting rates of predators and a determination of the targeted number of predators to be removed annually.<sup>4</sup> (emphasis added)

GN is recommending “community based management initiatives that promote herd recovery and increased monitoring efforts by conducting a population survey every two years, and calving ground and fall composition survey every year”.<sup>5</sup> However, there is no detail in the GN submissions about these initiatives and how they might help with caribou conservation.

The GN needs to support the Kugluktuk Hunters and Trappers Organization (“KHTO”) and assist KHTO to complete a detail Inuit-led conservation management plan, with clear management initiatives and monitoring and sampling programs. GN must also commit support for the implementation of the plan. The Board suggested such an effort to GN after its last Bathurst hearings.

### **3. Need to Include TK and IQ**

Based on the materials provided, GN conducted limited community meetings. It does not appear that GN considered any TK or IQ in preparing the proposal it submitted to the NWMB.

### **4. Response to NWMB Request for Submissions**

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<sup>2</sup> Thçq Research and Training Institute (TRTI). 2017 We Watch Everything: A Methodology for Boots-on-the-Ground Caribou monitoring. Thçq Government.

<sup>3</sup> The HTO Consultation Report for Bathurst Caribou Management Recommendations

<sup>4</sup> WRRB Reasons for Decision Final Report – Bathurst Caribou Herd dated October 4, 2019

<sup>5</sup> 2020 population estimate of the Bathurst caribou herd presentation



In its letter dated February 4, 2020, the NWMB has requested that parties provide responses to a list of specific issues. A summary of KIA's response to these issues is set out below. More detailed responses are in Appendix A.

1 Responses and feedback on the most recent science population abundance estimate for Bathurst caribou, particularly about:

- a) the recent decline in the population abundance estimates from 19,769 in 2015 to 8,207 in 2018 and feedback on the assumptions associated with the statistical models used to estimate the current population abundance

**KIA Response:** The methods and analyses to estimate the Bathurst herd size in 2018 were standardized and meet an assumption of accuracy and precision: the assumption that all breeding cows return to a single calving ground was partially supported.

- b) the area covered and the duration of the aerial surveys

**KIA Response:** During the June 2018 Bathurst calving ground survey, an extensive area was covered, there were no delays and the survey was timed for the peak of calving when movements are minimal

- c) the level of Inuit involvement in the study and use of Inuit Qaujimagatuqangit in the population assessment.

**KIA Response:** Four Inuit were involved as observers during the survey but there is no evidence for the use of Inuit Qaujimagatuqangit in the assessment of herd size.

2 Any information which is used in demographic models including indices of cow and calf productivity/survival, and collar movement data.

**KIA Response:** The demographical model integrates field data on adult cow and calf survival, adult sex ratio, number of breeding females and an assumed harvest rate.

3 Habitat conditions and potential impacts from human activities in the range of the Bathurst caribou herd.

**KIA Response:** Information on habitat conditions and potential impacts from human activities were not included in the TAH submission.

4 Information regarding the relationship between environmental variables and health of Bathurst caribou.

**KIA Response:** Information on if and how environmental variables could affect Bathurst caribou especially their health was not included.



- 5 The Government of Nunavut's proposed TAH and any alternative recommendations, if any, and why.

**KIA Response:** The proposed TAH of 0 was not submitted with alternative recommendations although GN acknowledged that the communities were recommending other management actions such as predator control.

- 6 Inuit Qaujimagatuqangit of the Bathurst caribou, related to:
- Inuit approaches to caribou management in times of decline
  - the socio-economic and cultural value of the Bathurst caribou herd to Inuit
  - knowledge of caribou behaviour, especially about the location of calving grounds and changes over time

**KIA Response:** GN in its December 2019 briefing to NWMB did not reference IQ. This is surprising given the amount of information available

- 7 Inter-jurisdictional considerations when setting management actions for shared herds.

**KIA Response:** The degree of inter-jurisdictional sharing of the Bathurst herd is high with five First Nations, three governments and two co-management boards

## **KIA RECOMMENDATIONS**

Given the facts and in consideration of the arguments set out above, KIA respectfully requests that the NWMB rule as follows:

- There is a conservation concern for the Bathurst caribou herd
- The conservation approach for the Bathurst caribou herd must be balanced and include harvest restrictions, predator management, alternate species harvesting (where appropriate), sampling and ongoing monitoring that assesses current populations (including females and calves), habitat, and climate and development impacts. GN must work with Inuit to develop such a balanced approach and provide support for the HTO's implementation
- The conservation approach must be consistent with the rights of Inuit under the *Nunavut Agreement* and the *Constitution*. This includes a minimal infringement on Inuit harvesting rights and a recognition and efforts to ensure continued harvesting and cultural practices relating to caribou
- The conservation approach must recognize that caribou play an important role in culture, language and food security



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5. GN's approach to this hearing, to propose only a TAH and no further conservation management measures, is inadequate. GN shall collaborate with the HTOs, NTI, KIA, GNWT, TG and others to prepare a balanced conservation management approach that seeks to stop the decline of the Bathurst caribou herds while respecting Inuit and First Nation rights
6. That the GN evidence in this matter fails to include any TK or IQ, and that such information is crucial for the effective co-management of Bathurst caribou and must be included in future proposals to the NWMB
7. That the TAH be set at 10, to be allocated to the family at Contwoyto Lake for subsistence only.

ALL OF WHICH IS RESPECTFULLY SUBMITTED:

THIS 14<sup>th</sup> DAY OF FEBRUARY, 2020

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