

Nunavut Wildlife Management Board
Public Hearing to review interim decisions concerning the Southampton Island
Caribou population, Iqaluit, Nunavut, December 10th and 11th, 2013

**SUBMISSIONS ON FUTURE REVIEWS, THE PROPOSED TOTAL
ALLOWABLE HARVEST AND NON-QUOTA LIMITATIONS, AND A
BASIC NEEDS LEVEL**

Nunavut Tunngavik Incorporated
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1. NTI's role

NTI represents the Inuit party to the *Nunavut Land Claims Agreement* (NLCA, or Agreement), which Canada signed with Inuit in 1993. In this submission, and at the upcoming public hearing, NTI on behalf of Inuit will advocate implementation of the NLCA in the Southampton Island caribou management decisions that are under consideration. NTI also will support and assist the Aiviit Hunters and Trappers Organizations (HTO) and Kivalliq Wildlife Board.

The NLCA recognizes Inuit harvesting rights and Inuit rights to participate in wildlife management decisions. In advocating respect for Inuit harvesting rights, NTI supports the conservation of wildlife. Inuit systems of wildlife management have always reflected the understanding that a sustainable harvest depends on conserving wildlife.

2. Issues to be considered at the public hearing

The Board's October 10 2013 notice identified the following issues for consideration at the hearing:

- 1) the Total Allowable Harvest for the Southampton Island caribou population;
- 2) the current non-quota limitations; and
- 3) a basic needs level for this population as per Section 5.6.19 of the *Nunavut Land Claims Agreement*.

3. Background

Under the NLCA, in the usual case, the NWMB establishes any Total Allowable Harvest (TAH) or non-quota limitation (NQL) on wildlife harvesting in Nunavut, subject to the Minister responsible accepting, rejecting or varying the NWMB's decision (ss. 5.6.16; 5.6.48; 5.3.13, NLCA).

The current TAH and NQLs for this population were set for the first time by the Government of Nunavut on July 1, 2012 pursuant to the NLCA's procedure for a "reasonable interim decision" to be made and implemented before the Board makes its decision.

(Southampton Island Caribou Herd Total Allowable Harvest Interim Order (July 1, 2012 to June 30, 2013) (SI – 001-2012) ("2012 Interim Order"), preamble, reference to s.150 Wildlife Act, which restates NLCA s. 5.3.24; amendment R-012-2013 ("2013 Interim Order")).

The government may invoke this procedure “[w]hen urgent and unusual circumstances require an immediate modification in harvesting activities” (s. 5.3.24, NLCA). When the government takes such a step, the NWMB is required to conduct a full review of the interim decision “as soon as practicable thereafter” (NLCA s. 5.3.24; NWMB letter to GN Minister of Environment, May 15, 2013, citing also s. 158, Wildlife Act).

The current TAH is 1,000 caribou, and the current NQLs prohibit harvesting of cow-calf pairs and mature bull caribou (2012 and 2013 Interim Orders). “It is presumed that the Inuit of Coral Harbour need the full amount of the total allowable harvest” and “the full amount of the total allowable harvest ... is allocated to the community of Coral Harbour” (s. 2(3) and (4), 2012 Interim Order).

Based on the record provided on the Board’s website, key points in the chronology have been as follows:

March 12, 2012: Aiviit HTO proposed to the GN that the GN take measures on an urgent basis to modify harvesting activities, in advance of the NWMB decision process.

April 30, 2012: GN proposed to the NWMB a TAH of 1000, describing the matter as urgent, and requesting an NWMB decision by July 1 2012.

May 30, 2012: NWMB advised that the GN should consider the 5.3.24 procedure, that the requirements of procedural fairness do not permit the Board to complete a full review by July 1, 2012, and that the NWMB will conduct its review once the GN has provided the Board with

- i) results of the GN’s June 2012 population study;
- ii) a report of the GN’s related consultation with the HTO, and
- iii) a proposal for the NWMB’s decision.

NWMB also advised the GN that the NWMB will strike a Basic Needs Level (BNL) when it reviews the interim TAH decision, and re-sent the NWMB’s April 9 2010 materials notifying affected parties that, in the NWMB’s view, a BNL must include commercial harvests not reflected in the quantities reported in the Nunavut Harvest Study.

July 1, 2012: 2012 Interim Order came into effect.

Fall, 2012: GN discussed the results of its partial June 2012 survey with the Coral Harbour HTO. The HTO declined to support GN’s recommendation of a further decrease in the TAH based on the partial survey, pending a complete updated survey (*Population Estimate of a Declining Population*, GN, June 2013, p. 1).

May 3, 2013: GN notified Board that the GN proposed to amend its 2012 Interim Order (NWMB May 15 2013 letter to GN).

May 15, 2013: NWMB informed the GN that the NWMB is in agreement with a TAH of 1000 remaining in effect until certain conditions are met, including

- i) distribution of the results of the GN’s 2012 population study;

- ii) receipt of a proposal for NWMB decision, and
- iii) the making of the NWMB's procedurally fair decision.

NWMB also informed the GN that the Board will conduct its full review of the interim decision by way of public hearing (NWMB May 15 2013 letter to GN).

July 1, 2013: 2013 Interim Order came into effect.

August 2013: GN provided a proposal for NWMB decision, including survey results from 2012 and 2013. The proposed decision is to "lower the current ... TAH of 1000 caribou to 800 caribou" and to maintain the current prohibitions on harvesting cows with calves and mature bulls. (GN Submission to the NWMB, August 2013).

October 10 and 11, 2013: NWMB gave notice of its public hearing and pre-hearing consultation meeting.

October 23, 2013: NWMB convened its pre-hearing consultation meeting.

4. NTI submissions respecting future NWMB reviews under s. 5.3.24 of the NLCA

The Board should adopt the following practices for purposes of future reviews under s. 5.3.24 of the NLCA:

- i) Conduct full reviews of interim decisions made by government as soon as practicable, and in any event within four months of the interim decision having been made;
- ii) Proceed with the review upon government having had a reasonable opportunity to provide the Board and affected parties with all relevant information relied upon by government in making the interim decision, failing which the Board should be prepared to set aside the interim decision due to insufficiency of supporting information;
- iii) In the review, consider updated information not available to the government when the interim decision was made, but not postpone the review in order to obtain updated information;
- iv) Treat the interim decision made by government as the issue for review, while being prepared to consider any variation in such decision proposed by a party to the review in accordance with the requirements of procedural fairness.

5. NTI submissions respecting issues to be considered at the hearing

1) Total Allowable Harvest

The Board is responsible to satisfy itself, having regard to the principles of conservation provided in s. 5.1.5 of the NLCA, that any TAH established for this population restricts Inuit

harvesting “only to the extent necessary ... to effect a valid conservation purpose” (s. 5.3.3(a), NLCA).

The interim decision under review set a TAH of 1000 due to the rapid decline in this population disclosed in the GN’s 2011 survey results. The GN’s more recent research results show this population to be reasonably stable, though still lower than the level the community considers sufficient to meet its harvesting needs.

With respect to implementation of any TAH, the problem of distinguishing between caribou harvested from Southampton Island and caribou harvested from Coats Island was raised in the Board’s pre-hearing consultation meeting. It is difficult for the community to determine which of these locations is the origin of caribou when meat is sold by local hunters to buyers elsewhere. A TAH implementation plan should ensure that caribou taken from Southampton Island are not treated as taken from Coats Island and the TAH thereby allowed to be exceeded.

2) Non-quota limitations – prohibitions on harvesting cows with calves and mature bulls

The Board is responsible to satisfy itself, having regard to the principles of conservation provided in s. 5.1.5 of the NLCA, that any such prohibitions restrict Inuit harvesting only to the extent necessary to effect a valid conservation purpose (s. 5.3.3(a), NLCA).

In order for any such NQLs to be fully enforceable, the Board’s decisions should include suitable definitions of “calf” and “mature bulls”. NTI invites the GN to propose such definitions as soon as possible and prior to the hearing.

3) Basic Needs Level

The Basic Needs Level is the first demand on the TAH reserved to Inuit under the NLCA (s. 5.6.20). The BNL may be adjusted upwards in future based on Agreement criteria, but, once struck, it may not be lowered. The level at which the BNL is struck therefore has permanent implications.

a) Harvest Study limitations

Recognizing the limitations of the Nunavut Wildlife Harvest Study (NWHS or Study), the Board should strike the BNL based on the best available evidence for the quantities that the Board is required to consider under s. 5.6.23 of the NLCA.

The limitations of the NWHS include the following:

- As the Board has recognized, the Study should have accounted for all quantities harvested by Inuit for sale;
- Reporting of “subsistence” harvesting was more complete in some communities than others during the Study period. In particular, the divergence in harvest levels for

Coral Harbour reported from year to year over the Study period is striking, giving rise to a concern that some quantities reported in the Study may not reflect accurately the actual level of “subsistence” harvest. The Board may receive HTO/RWO comments on this issue at the public hearing.

(The history of the Board’s determination that the NWHS should have included all quantities harvested by Inuit for sale is provided in the April 9 2010 NWMB package of correspondence copied to the GN and the Kivalliq Wildlife Board in 2010 and re-sent to the GN with the NWMB’s May 30 2012 letter respecting Southampton Island caribou. The package includes a 2009 legal opinion obtained by the Board and the Board’s seven reasons for accepting the opinion’s conclusion that a basic needs level includes “commercial” harvests by Inuit.)

b) Calculation based on adding GN “commercial” harvest data to NWHS quantities

NTI proposes that all quantities harvested for sale be included in the Board’s BNL calculation based on the GN’s “commercial” figures published in Table 1 of the *Southampton Island Barren-ground Caribou Population Management Plan 2011-2013*.

NTI’s calculation on this basis is attached as an **APPENDIX** to these submissions. The NLCA formula that appears to apply is s. 5.6.21(a). The GN commercial harvest figures are factored in at the following steps:

-The first component of the 5.6.21(a) formula – “greatest amount harvested in any one year during the Study” - is increased so as to include the GN’s commercial harvest data during the Study period;

-The second component of the 5.6.21(a) formula – “average amount harvested over the five years of the Study” - is also increased to include the GN’s commercial harvest data during the Study period.

The resulting total BNL of 4, 325 caribou includes the government’s commercial harvest data as though they had been included in the Study.

c) Further adjustment by the NWMB based on the best available evidence

It would remain for the Board to make any further adjustment warranted by the best available evidence to account for two further factors:

- As noted above, the HTO and RWO representatives at the public hearing may provide information regarding the accuracy of the Southampton Island harvest figures provided in the Study;
- Quite apart from any limitations of the NWHS, the Board should apportion to this BNL the Southampton Island caribou population quantity in the NWHS figures reported for Repulse Bay, Rankin Inlet, and Chesterfield Inlet. These NWHS figures include caribou harvested from White Island within the Southampton Island population range. NTI’s attached calculations do not account for this factor.

APPENDIX TO NTI SUBMISSION TO NWMB, NOVEMBER 18, 2013

Basic Needs Level Calculations for Southampton Island caribou population as per Section 5.6.23 of the Nunavut Land Claims Agreement

1) 5.6.23 (a)

- **BNL = 4,325** as per NLCA 5.6.21 (a)
 - “Greatest amount harvested in any one year during the Study” = 4,896
 - “Average annual amount harvested over the five years of the Study” = 3,754
 - $BNL = \frac{4,896+3,754}{2}$
- As per NLCA 5.6.21 (b), Coral Harbour HTO did not nominate a specific year of the NWMB Harvest Study to be used in the calculation of the BNL (at least to our knowledge).

2) 5.6.23 (b)

- **BNL = 4,165** as per NLCA 5.6.23 (b)
 - “Greatest amount harvested in any one year during the five years prior to imposition of a total allowable harvest” (2007-2011) = 4,575
 - “Average annual amount taken over the five years of the Study” = 3,754
 - $BNL = \frac{4,575+3,754}{2}$

Table 1- Combined subsistence and commercial harvest statistics for the Southampton Island caribou herd for the community of Coral Harbour recorded during the five year (1997-2001) Nunavut Wildlife Harvest Study. Commercial harvest records for the same period were compiled by Department of Environment, Government of Nunavut and provided in Table 1 of the Southampton Island Barren-ground Caribou Population Management Plan 2011-2013.

NWMB Harvest Study Year	Community	Species	Subsistence harvest (NWMB)	Commercial harvest (DoE)	Total harvest
1996	Coral Harbour	Caribou	1376	1839	3215
1997	Coral Harbour	Caribou	1213	3365	4578
1998	Coral Harbour	Caribou	1940	2956	4896
1999	Coral Harbour	Caribou	1693	1094	2787
2000	Coral Harbour	Caribou	1128	2166	3294
		5 yr Average Greatest 1 year	(Year - 1998)		3754 4896

Table 2- Combined subsistence and commercial harvest statistics for the Southampton Island caribou herd for the community of Coral Harbour recorded during five year period of 2007-2011 based on best available evidence available from Department of Environment, Government of Nunavut.

NWMB Harvest Study Year	Community	Species	Subsistence harvest (DoE)	Commercial harvest (DoE)	Total harvest
2007	Coral Harbour	Caribou	2000 ¹	2575 ¹	4575
2008	Coral Harbour	Caribou	1500 ²	0 ²	1500
2009	Coral Harbour	Caribou	1500 ²	843 ²	2343
2010	Coral Harbour	Caribou	1500 ²	0 ²	2000
2011	Coral Harbour	Caribou	1128 ³	1180 ³	2308
		Greatest 1 year	(Year - 2007)		4575

¹ Table 1 of the Southampton Island Barren-ground Caribou Population Management Plan 2011-2013

² Table 1 Coral-Harbour-Harvest-Information-2007-2011-Caribou_Final_Eng.pdf provided as an NWMB relevant document on the NWMB website

³ Table 2 of the Southampton Island Barren-ground Caribou Population Management Plan 2011-2013

YEAR	Actual Harvest								Total Harvest (Estimated)	
	Subsistence (Values Estimated)				Commercial					
	Female (#)	Male (#)	Unknown (estimated)	Total (estimated)	Female (#)	Male (#)	Unknown	Total (#)		
1978	0	25	0	25	0	0	0	0	25	
1979	0	50	0	50	0	0	0	0	50	
1980	0	50	0	50	0	0	0	0	50	
1981	0	50	0	50	0	0	0	0	50	
1982	0	50	0	50	0	0	0	0	50	
1983	20	50	0	50	0	0	0	0	50	
1984	20	50	0	50	0	0	0	0	50	
1985	20	50	0	50	0	0	0	0	50	
1986	20	50	0	50	0	0	0	0	50	
1987	50	250	0	250	0	0	0	0	250	
1988	0	300	0	300	0	0	0	0	300	
1989	100	300	0	300	0	0	0	0	300	
1990	0	400	0	400	0	0	0	0	400	
1991	0	400	0	400	0	0	0	0	400	
1992	0	400	0	400	0	0	0	0	400	
1993			500	500			5	5	505	
1994			500	500			1,000	1,000	1,500	
1995			1,000	1,000			2,356	2,356	3,356	
1996			1,000	1,000			1,839	1,839	2,839	
1997			1,500	1,500	2,356	1,009	0	3,365	4,865	
1998			1,500	1,500	2,069	887	0	2,956	4,456	
1999			1,500	1,500	514	580	0	1,094	2,594	
2000			1,500	1,500	1,170	996	0	2,166	3,666	
2001			2,000	2,000	2,070	1,626	0	3,696	5,696	
2002			2,000	2,000	959	2,875	0	3,834	5,834	
2003			2,000	2,000	3,403	1,602	0	5,005	7,005	
2004			2,000	2,000			3,200	3,200	5,200	
2005			2,000	2,000	2,766	1,272	0	4,038	6,038	
2006			2,000	2,000	2,892	1,136	0	4,028	6,028	
2007			2,000	2,000	1,446	1,129	0	2,575	4,575	
Grand Totals				25,475					41,157	66,632

Figure 1 – Table 1 from the Southampton Island Barren-ground Caribou Management Plan 2011-2013. A brief history of the Southampton Island harvest including actual commercial harvest and estimated subsistence harvest (subsistence harvest estimated using government reports, HTO correspondence and personal communications with wildlife staff).

Month (2011-2012)	<i>Estimated Number of Caribou Removed From The Population Through:</i>			Estimated Monthly Population Abundance
	Caribou Meat Exports	Subsistence Harvesting	Natural Mortality	
June	9	87	0	7,762
July	6	85	53	7,619
August	4	256	53	7,305
September	144	130	53	6,978
October	137	65	53	6,723
November	202	82	53	6,386
December	177	73	53	6,083
January	100	107	53	5,823
February	100	61	53	5,609
March	100	29	53	5,427
April	100	63	53	5,211
May	100	90	53	4,969
Annual Totals	1,180	1,128	582	4,969

Figure 2 – Table 2 from the Southampton Island Barren-ground Caribou Management Plan 2011-2013. Estimated mortality rates and their impacts on population abundance of the SHI barren-ground caribou population. All bold entries indicate statistically calculated estimates based on actual reports (Priest and Usher, 2004; Air Freight manifests, 2011; Haskell et al 2007). Non bold italics indicate estimates based on best available evidence and past trends, lacking statistical analysis to determine variability in the estimate.

Year	Number of caribou harvested - COMMERCIAL ¹	<u>Estimated</u> ** number of caribou harvested – NON-COMMERCIAL HARVEST ¹	<u>Estimated</u> ** number of caribou harvested - TOTAL
2007	2,575	1,500 ***	4,075 ***
2008	0 *	1,500	1,500
2009	843	1,500	2,343
2010	0 *	1,500	1,500
2011	0 *	1,500	1,500

Figure 3 – Table 1 from the NWMB relevant document titled Coral-Harbour-Harvest-Info-2007-2011-(Caribou)_Final_Eng.pdf. Number of Southampton Island caribou harvested between 2007-2011.

* A moratorium on commercial harvest was imposed in these years. In 2008, the Government of Nunavut recommended stopping commercial harvest because of concern over the spread of brucellosis and its negative effects on Southampton Island caribou. In 2010 and 2011, the commercial harvest moratoria were introduced because survey estimates suggested low population numbers. (Source: Mitch Campbell, Regional Wildlife Biologist, Government of Nunavut, personal communication)

** The Government of Nunavut Department of Environment does not have records of exact numbers of caribou harvested for non-commercial purposes. The numbers indicated in the table are the estimates used in by the Government of Nunavut Department of Environment, and are based on the data from the Nunavut Wildlife Harvest Study for harvest levels between 1996-2001 (average over this time span was 1,470 caribou harvested per year). (Source: Mitch Campbell, Regional Wildlife Biologist, Government of Nunavut, personal communication)

*** For 2007 the Government of Nunavut has used a non-commercial harvest estimate of 1,500 animals. In the Southampton Island Barren-ground Caribou Population Management Plan 2011-2013 (Management Plan) the non-commercial harvest is estimated to be 2,000 animals for the year 2007 (Table 1, page 12). This discrepancy may be due to the use of different sources. The Harvest Study was used to provide the Government of Nunavut's estimate while the sources used in the Management Plan include government reports, Hunters and Trappers Organization correspondence, and personal communications with wildlife staff. If the non-commercial harvest estimate for the Management Plan was used, the "Estimated number of caribou harvested – Total" for 2007 would be 4,575.

¹Source: Mitch Campbell, Regional Wildlife Biologist, Government of Nunavut, personal communication