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February 14th, 2020

Kugluktuk

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Bathurst Inlet
Kingaok

Bay Chimo
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Kitikmeot Inuit Association Submissions to the Nunavut Wildlife Management Board About the Proposed Total Allowable Harvest for Bluenose East Caribou

Cambridge Bay
Ikaluktutiak

For

Gjoa Haven
Okhoktok

Information:

Decision: X

Taloyoak

Issue: Government of Nunavut's Proposal for Decision to the Wildlife Management Board seeking to Reduce the Total Allowable Harvest of Bluenose-East Caribou from 340 to 107 and to establish a Male-Only Harvest Non-Quota Limitation

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 Bluenose East Caribou herds in Nunavut from 340 to 107 and to establish a Male-Only Non-Quota Limit.

The NWMB is holding a hearing on March 2 - 4, 2020 in Kugluktuk to consider the GN application.

The NWMB granted the 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.



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During KIA's review of the GN application and in preparing this submission, KIA has spoken with the Kugluktuk Hunters and Trappers Organization ("KHTO"), 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 107 and establish a male only harvest non-quota limit:

- 1 a GN Briefing Note on the Bluenose-East caribou herd population estimate from a 2018 calving ground photographic survey and harvest recommendations
- 2 a presentation on the 2018 population estimate of the Bluenose East caribou herd
- 3 The HTO Consultations Report for Bluenose East Caribou Management Recommendations
- 4 The Reports on Bluenose-East Caribou Herd 2018 Estimate, in Nunavut
- 5 Government of Northwest Territories Estimates of Breeding Females & Adult Herd Size and Analyses of Demographics for the Bluenose-East 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 Bluenose East 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 Bluenose East 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 Setting a TAH and a male only harvest non-quota limit is not an appropriate approach for the Bluenose East caribou. GN must support and partner with Inuit communities and Hunter and Trapper Organizations (“HTOs”) to prepare a community based strategy for conservation management of the Bluenose East herd. This also requires GN to support the KHTO in the implementation of the strategy.
- 2 The GN proposal does not include TK or IQ
- 3 Responses to NWMB Request for Submissions

KIA's recommendations to the NWMB are at the end of this submission.

1. 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 recommends that the NWMB decline to set a TAH for the Bluenose East herd.

KIA requests that the NWMB require GN to take an approach to the conservation and management of Bluenose East caribou that reflects the requirements of the *Nunavut Agreement*, the *Constitution* and the 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.¹

KIA understands that the Government of the Northwest Territories' computer modelling projections for the Bluenose East herd over a 3 year period suggests that there is no

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



measurable difference on herd size between a TAH of 100 and 300. A TAH in this range will not create a measurable decline in the Bluenose East populations over a short time period.

Further, limiting Inuit harvesting to males only will restrict harvesting to a small portion of the year, when male caribou are close enough to the community to be harvested. This raises concerns for food security, availability of hides for clothing and bedding, and maintenance of cultural practices. This concern was raised with GN during its October 2, 2019 meeting with KHTO. However, GN has taken no steps to address this impact on Inuit harvesting, health and culture.

Harvesting is integral to the way of life for Inuit communities. Caribou are important to allow Inuit to thrive physically, spiritually and culturally. Inuit rights and harvesting practices must be important considerations in any planning for caribou conservation and management. GN's use of TAHs to date has not resulted in an increase in Bluenose East populations. GN's proposed Non-Quota Limitation of the Bluenose East herd will increase the impact of any TAH on Inuit harvesting.

More needs to be done to manage other impacts to caribou survival.

There is an existing program for wolf harvesting. The GN materials make reference to the Support for Active Harvesters Program. GN does not appear to have any plans to expand or increase support for this program. This program must be expanded to increase predator control using the traditional skills of Inuit hunters. The program should also pay an incentive that reflects the benefits this program can have for caribou populations and which will realistically encourage Inuit harvester participation.

GN has also not addressed concerns about predation of caribou by grizzly bears. This concern has previously been raised by the KHTO and community members. Grizzly bears prey on and impact caribou populations. KHTO and community members have told GN that the grizzly bear population has increased, with many sightings of bears with twins, triplets and even quadruplets. GN has not provided any indication that it plans to manage grizzly bear predation of caribou.

GN's proposal for a TAH includes a recommendation for "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”.² However, there is no detail in the GN submissions about these initiatives and how they might help with caribou conservation.

An effective plan for predator management is a key part of managing herd size and reducing caribou deaths.

The KHTO is already implementing management strategies for Bluenose East caribou. The KHTO has not sponsored any organized community caribou harvesting and has ended caribou sport hunts. It has discouraged the sale/purchase of caribou under the country food distribution program and supported a shift in harvest to alternate species like muskoxen. The KHTO has also worked to establish a no harvest zone for caribou in close proximity to Kugluktuk.

It is time for the GN to support Inuit communities and HTOs and work with Inuit to develop a conservation management plan that minimally infringes on Inuit rights while engaging in additional measures, such as increased predator control, to promote conservation.

The NWMB should not impose a new Bluenose East TAH at this time. Instead, the NWMB should require the GN work together with KHTO to develop a reasonable and balanced Inuit-led conservation management plan for Bluenose East caribou that will address caribou management and harvesting.

2 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.

3. Response to NWMB Request for Submissions

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 abundance estimate for Bluenose-east caribou, particularly about:

² 2018 population estimate of the Bluenose East caribou herd presentation.



- a) the recent steep decline in population size (by half in 2015–2018) and feedback on the assumptions associated with the statistical models used to estimate the current population size

KIA Response: The evidence supports that the two main assumptions for the 2018 estimate of the Bluenose East herd (the estimates are accurate and precise and all the breeding cows return to their calving ground).

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

KIA Response: Extensive reconnaissance flights covered a large area and the survey was anchored to the peak of calving (when movements are minimal) with no delays.

- c) indices of cow survival and calf productivity/survival

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.

- d) the level of Inuit involvement in the study and use of Inuit knowledge in the population assessment

KIA Response: While four Inuit were observers during the 2018 survey, there was no evidence that Inuit Qaujimajatuqangit was used for the assessment of herd size in 2018.

- e) habitat conditions and potential impacts from human activities

KIA Response: Information on habitat conditions and potential impacts from human activities were not included in the GN's 2019 TAH submission

- 2 Nunavut Government's proposal on the TAH and NQL and any alternative recommendations, if any, and why

KIA Response: GN recommended in 2019 for the Bluenose East caribou herd a TAH of 107 caribou with the Non-Quota Limitation of a male only harvest while TG and GNWT have accepted WRRB's more conservative TAH of 193 for the range of the Bluenose East herd

- 3 Inuit Qaujimajatuqangit of the Bluenose-east caribou, related to:

- a) Inuit approaches to caribou management in times of decline
b) the socio-cultural value of the Bluenose-east caribou herd to Inuit



- c) knowledge of caribou behaviour, especially about the location of calving grounds and changes over time

KIA Response: There is a large amount of IQ available and included in the KHTO Community Bluenose East Management Plan. It does not appear that IQ was included in the GN proposal.

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

KIA Response: Information on monitoring and management is shared between the NWT and NU jurisdictions through the Advisory Committee for Cooperation on Wildlife Management while specific information on harvest management is shared through the jurisdiction of three co-management boards.

KIA RECOMMENDATIONS

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

1. There is a conservation concern for the Bluenose East caribou herd
2. The conservation approach for the Bluenose East caribou herd must be balanced and led by the KHTO and Inuit. The plan may include harvest restrictions, predator management, alternate species harvesting (where appropriate), sampling and ongoing monitoring that is accurate and current of populations, (including females and calves), habitat and climate and development impacts. GN must provide support for the KHTO's implementation of the plan
3. 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
4. The conservation approach must recognize that caribou play an important role in culture, language and food security
5. GN's approach to this hearing is inadequate. GN has proposed a lower TAH without further efforts to implement additional conservation management



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- measures raised by the HTO and community members during consultations, including the need for predator control. GN shall collaborate with the HTOs, NTI, KIA, GNWT, TG and others to prepare a balanced, Inuit-led conservation management approach that seeks to stop the decline of the Bluenose East 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 Bluenose East caribou and must be included in future proposals to the NMWB
 7. That no new TAH be set for the Bluenose East herd and no NQL limiting Inuit caribou harvests to males only. Instead the GN shall work with the HTO and others to develop an Inuit led conservation management plan and provide support for the implementation of that plan by the KHTO.

ALL OF WHICH IS RESPECTFULLY SUBMITTED:

THIS 14th DAY OF FEBRUARY 2020