



November 23, 2021

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Sent by e-mail: JAkearok@nwmb.com

Bathurst Inlet
Kingaok
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ATTENTION: Jason Akearok Executive Director

Dear Chairman and Board Members:

Bay Chimo
Umingmaktok
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RE: Environment and Climate Change Canada Proposed Listing of Barren-ground Caribou as Threatened under Federal SARA Legislation

BACKGROUND:

The Kitikmeot Inuit Association (KitIA) represents the interest of Kitikmeot Inuit by protecting and promoting their social, cultural, environmental, and economic well-being.

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The KitIA is also the registered owner of over 100,000 square kilometers of Inuit Owned Land (IOL) in the Kitikmeot Region and is responsible for all land use and management issues on these lands, including wildlife, habitat and environmental matters.

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KitIA has been advised that Environment and Climate Change Canada (ECCC) is requesting a decision from the Nunavut Wildlife Management Board (NWMB) to list the Barren Ground caribou as threatened under the *Species at Risk Act*¹ (SARA).

THE WILDLIFE MANAGEMENT ISSUE

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KitIA understands that Barren ground caribou populations of have been declining across the north and that there is a need to implement a conservation approach. Caribou harvesting is essential to food security, health, and the cultural well-being of Inuit whose harvesting rights are constitutionally protected.

However, any such conservation initiative must minimally infringe on Inuit rights under the Nunavut Agreement and Constitution.

ECCC has made a significant effort at consultation with Inuit across Nunavut and in the Kitikmeot, as is required by law before any restriction on Inuit rights can take place.

¹ S.C. 2002, c. 29.



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INUIT CONCERNS AND RIGHTS

An NWMB decision in favour of legally protected status for Barren ground caribou will affect Inuit rights despite the assertions to the contrary in the ECCC documents. KitIA also suggests that there are problems with the extent and quality of ECCC consultation in relation to this proposed status change.

First, Covid restrictions on travel and meetings extended the duration and adversely affected the focus of the consultations about this status change in Kitikmeot communities. This process has now extended over several years and has been confused with community herd based consultation such as that conducted by the Government of Nunavut (GN) on the Dolphin and Union herd.

Review of the ECCC documents submitted with their listing request indicates that there is widespread disagreement with this step from the individual harvester level, to Regional Wildlife Organizations and even the GN. Decisions of the courts make it clear that the onus is on a party proposing a change which will restrict Indigenous harvesting to show that the approach or mechanism selected really is “minimally intrusive”. The ECCC submissions to NWMB provide no proof that other mean to conserve caribou in Nunavut do not or will not work. The fact that the GN is opposed to this listing decision should also be given considerable weight by NWMB.

Secondly, ECCC’s consultation has not included all Inuit rights holders who may be affected by the listing. More specifically, the Inuit land owners such as the Regional Inuit Associations (RIAs), and KitIA specifically have not been consulted to the extent possible – but they exercise management control of very large areas of caribou habitat on IOL. Before any provisions of SARA can be exercised on IOL in a way that impedes the RIAs management and use of their lands consultation is required. Simply put, listing Barren ground caribou as threatened under SARA has the potential to affect more than Inuit harvesting rights and KitIA has not been consulted about this.

KitIA does not support this listing of Barren ground caribou for these reasons and for those also listed below.

- The use of Inuit Quajimayatuqangit (IQ) on the barren ground caribou consultations has not been explored to the extent that it should.
- Insufficient evidence provided that proposed up-listing to “Threatened” is relevant for all 11 herds.
- Lack of current population estimates on many herds the COSEWIC addressed in their assessment.
- The COSEWIC assessment used high population peaks as a threshold, rather than the lower normal cyclical estimates.



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- In Nunavut legal management initiatives exist, including the authority for implementation of harvesting restrictions by the HTOs and they have not been attempted to reduce or stop declines and assist the recovery of the herds.
- Listing as “Threatened” rather than “Species of Special Concern” is unclear with the evidence provided.

RECOMMENDATION

Considering all of the concerns, deficiencies and additional work needed to approach some level of certainty about the need for SARA listing of Barren ground caribou, KitIA respectfully suggests that the NWMB should defer a decision on listing at this time. If ECCC is determined to proceed KitIA suggests that this initiative should be addressed in a public hearing held by the NWMB to ensure that Inuit have a fulsome opportunity to address the effects of such a decision.

Respectfully yours,

Stanley Anablak
President
Kitikmeot Inuit Association

cc.

David Akeeagok
Minister of Environment - Government of Nunavut

Aluki Kotierk
President of NTI

KIA Legal Counsel

Paul Emingak
Executive Director
Kitikmeot Inuit Association