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November 26, 2018

Jonathan Savoy
Senior Planner
Nunavut Planning Commission
PO Box 2101
Cambridge Bay, NU
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Via email – jsavoy@nunavut.ca

Dear Mr. Savoy,

World Wildlife Fund Canada (WWF) appreciates the opportunity to submit supplemental comments on the 2016 draft of the Nunavut Land Use Plan (NLUP) and thanks the Nunavut Planning Commission (NPC) for considering our submission. Below we offer comments on the state of the development of the NLUP and summarize supplemental information on the conservation status of barren-ground caribou, the suggestion for NPC to consider a ban on Heavy Fuel Oil in the Nunavut Settlement Area, and forthcoming new information on polar bear denning locations.

Process

There is an urgent need to reconvene the participants and stakeholders of the NLUP process to continue the discussion around the development and eventual implementation of the plan. The current draft of the NLUP is now two and a half years old, and progress has stalled since the Qikiqtani public hearing in March 2017. As of November 25th, 2018, the most recent posting on the consultation record is the notification that the Kivalliq and Kitikmeot public hearings were postponed. While there has been email communication from commission staff and meetings between the signatories and the NPC, there has been no movement on the plan or update to the consultation record.

Many of the areas of disagreement between participants could be resolved through continued in-person public meetings to discuss issues and clarify concerns around the current draft of the plan. More importantly, communities of the Kivalliq and Kitikmeot region have yet to have the chance to discuss the current draft of the plan in person. We strongly urge the federal government to provide funding to the NPC to allow the process to resume so that areas of disagreement can be resolved and in-person community participation can be increased.

We have heard strong concerns from all three signatories on the current draft of the plan, and the suggestion that the plan be re-drafted before consultation continue. Regardless of how the NPC decides to proceed, the commission must be given the necessary resources to fulfill its duty under the Nunavut agreement so that a plan can be put in place.

Caribou habitat

Caribou habitat remains one of the most debated issues in the plan, but as the process remains marred with delays, herds of barren-ground caribou across Nunavut continue to decline sharply, with no signs of recovery. The Dolphin and Union herd has declined in recent years to only 18,400 animals and was recently assessed as Endangered from the Committee on the Status of

Endangered Wildlife in Canada (COSEWIC). COSEWIC has also assessed barren-ground caribou across the Canadian Arctic as a single unit, and while the population declines merited a designation of Endangered, COSEWIC assigned a designation of Threatened because the species is not in imminent threat of extinction. Most recently, the Bluenose East herd and the Bathurst herd, both of which calve in Nunavut, have declined by 50% since 2015, with the Bathurst herd dwindling to only 8,200 animals.

These results demonstrate the grave importance of protecting critical caribou habitat while herds are declining so that the herds are given the best possible chance to recover. There are multiple factors at play in the continued negative population trends across the North, including natural population cycling. What is clear however, is that now is not the time to allow mineral exploration and development on barren-ground caribou calving grounds and other critical habitats. With many herds sitting at less than 5% of their historic highs, we must take the opportunity to assign Protected Area status to critical caribou habitats, including calving grounds, post-calving grounds, freshwater crossings, key access corridors and sea ice crossings. Indeed the NLUP is the ideal tool to steward critical habitat for barren-ground caribou given the adaptive nature of the plan, the direct engagement of Nunavummiut, and the scheduled plan reviews.

A question from the North Slave Metis Alliance was posed to WWF, among others, read: *In your opinion, do you believe that establishing a definitive causal link between industrial development and caribou population decline is a pre-requisite to establish a protected area for the key caribou habitats? In your opinion, how likely is it that such link may be established scientifically?* Our point of view is yes, we must proceed with the designation of critical habitat of barren-ground caribou with Protected Area status during these extremely worrying times. Barren-ground caribou experts from both a Traditional Knowledge and scientific perspective agree that one of the key factors in the successful recovery and sustainability of herds is intact critical habitat that is free from disturbance. In many instances, co-management boards and harvesters have already taken the difficult step of limiting or stopping harvest on herds at low levels. While it is extremely difficult to demonstrate statistical significance in ecological studies of disturbance at the scale of barren-ground caribou ranges and population sizes, if the goal is sustainable and healthy herds of caribou, there is no justification for allowing industrial development on the calving grounds while so many herds approach population minimums.

With the delays in the NLUP process, critical caribou habitat remains open to staking and exploration subject to individual project Environmental Impact Assessment (EIA). EIA does not effectively consider impacts at the range level, consider the cumulative impacts of multiple projects on the range of a herd of caribou, or consider future development scenarios resulting from exploration including accessory uses such as roads. The continued granting of mineral permits and leases in caribou calving grounds while there is no plan in place undermines the eventual effectiveness of the NLUP and threatens barren-ground caribou herd recovery. We continue to call on the Government of Canada to immediately issue a moratorium on issuing new mineral permits and leases in barren-ground caribou critical habitat until the NLUP is in place.

It is said often that industrial development proponents want clarity on which lands are open, and which are closed to exploration and development. It should be made clear by all regulators that at minimum, the calving grounds are closed. Recognizing the need for resource development in Nunavut, the federal and territorial governments should do more to promote industrial activity in the huge amounts of land outside environmentally sensitive areas, instead of providing mineral permits and leases in areas such as caribou calving grounds where EIA will take years and likely end in a negative result for the proponent because of concerns for caribou conservation.

The Government of Canada is currently conducting consultations on the potential listing of barren-ground caribou under the Species at Risk Act (SARA). We strongly encourage Environment

and Climate Change Canada to work closely with the NPC to take advantage of the wealth of knowledge that has been collected on barren-ground caribou through the NLUP process, and to integrate eventual recovery planning for barren-ground caribou with the extremely valuable landscape level tool that is the NLUP. It is also very important to remember that the Nunavut Agreement trumps the Species at Risk Act in all cases, and no changes to harvest will occur in Nunavut because of a SARA listing. The setting of any harvest limits in Nunavut remains under the authority of the Nunavut Wildlife Management Board.

Heavy Fuel Oil (HFO)

Heavy Fuel Oil (HFO) is a viscous, toxic, polluting fossil fuel that powers ships around the globe – accounting for 80% of marine fuel used worldwide. Many ships traversing Nunavut waters carry and use HFO, including cruise ships, community and mine cargo re-supply and fuel vessels. Unlike other fuels, HFO does not evaporate when spilled, but rather combines with seawater and actually expands in volume, creating a thick ooze. It also sinks and sticks to anything it contacts, including ice, making cleanup impossible. It breaks down slowly, often persisting for many weeks or months, or longer, depending on recovery efforts. These characteristics of HFO, combined with the lack of equipment and spill response capacity in the Arctic, mean HFO spills are next to impossible to clean up. It is with respect to these issues that HFO use and carriage was banned in Antarctica and in parts of Norway's waters as well. An HFO spill would have long-term, devastating effects on Arctic communities, the livelihoods and marine harvesting practices of Nunavummiut, and the marine ecosystems upon which people of the Arctic depend. Further, the combustion of HFO creates what is known as "black carbon," a fine soot that falls on snow and ice and hastens its melt, both contributing to sea ice degradation, as well as polluting sources of freshwater.

The Inuit Circumpolar Council Canada (ICC Canada) is working with the federal government on initiatives to reduce the Arctic's dependence on HFO, find cleaner fuel alternatives, and provide cost-effective shipping for communities. ICC Canada has suggested that any new environmental protection in the Arctic should not economically burden communities and that a transition away from HFO will require supports that allow fuel re-supply and shipping companies to transition to cleaner and safer Arctic fuels without passing on the increased fuel costs to customers in the north. Additionally, Nunavut Tunngavik Incorporated passed a motion at its Annual General Meeting in October calling on the '...Government of Canada to ban the use, carriage and transportation of heavy fuel oil in the Arctic'.

To be clear, WWF is not suggesting that communities should bear the additional costs of shifting away from HFO. In fact, from our economic analysis of fuel prices and cargo rates, including trends analysis over time, it was noted that fuel prices are not correlated with cargo costs; in fact, research over a period of 3 years most recently found that as fuel prices steadily declined, cargo rates in Nunavut continued to increase, year over year. WWF has recommended, and continues to advocate that the federal government, as part of its 2017 Ocean Protection Plan, should consider developing a "transition fund" that would be available for transport companies to access a subsidy to help offset costs associated with the use of non-HFO (more expensive) fuels to transport resupply to Nunavut communities.

WWF has also retained a contractor to consult with municipalities and the Hunters and Trappers Organizations in Nunavut communities, to provide information about HFO and a proposed ban, and to encourage their support of the ban via letters to the federal Minister of Transport. Over the past several months, our contractor has generated discussion among these community level organizations, which in most cases, has resulted in strong support for the proposed ban. Considering the support we are seeing at the community level, WWF also requests that NPC consider this matter subject to its mandate of regulation of shipping activities within the Nunavut Settlement Area.

Polar bear denning habitat

WWF is currently compiling an update to the polar bear denning information previously submitted to the NPC to reflect additional sources of information and new projects by both community groups and scientists on polar bear denning locations. The data has come from a combination of traditional ecological knowledge surveys, peer-reviewed scientific literature, and government reports. Some jurisdictions and Indigenous groups were also contacted to obtain data from regions where data existed but had not been published. We anticipate this data being ready for submission and consideration by the NPC before the end of 2018.

WWF remains committed to being a contributing participant in the development of the NLUP, and looks forward to the process kickstarting again in 2019. We advocate strongly for the in-person aspect of the NLUP process to start as soon as possible, and that the appropriate funding be supplied to the NPC in this regard from the Government of Canada.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Laforest', written in a cursive style.

Brandon Laforest
Senior Specialist, Arctic Species and Ecosystems
WWF-Canada
Iqaluit, Nunavut