

NUNAVUT WILDLIFE MANAGEMENT BOARD **TECHNICAL SUBMISSION TO THE NUNAVUT** **PLANNING COMMISSION**



Issue: Draft Nunavut Land Use Plan Technical Meeting

Overview

In May 2014, the Nunavut Wildlife Management Board (NWMB or Board) provided a written submission to the Nunavut Planning Commission public hearing on the draft Nunavut Land Use Plan, which outlined the relevant roles and responsibilities of the NWMB as per the *Nunavut Land Claims Agreement* and concerns that the Board had with the 2011/2012 draft. Upon review of the revised 2014 draft, NWMB staff have compiled the following recommendations for discussion at the Draft Nunavut Land Use Plan Technical Meeting taking place in Iqaluit on June 23rd - 26th, 2015.

NWMB Staff Recommendations

Migratory Bird Setbacks

Section 2.1.1 and Table 2 of the draft Nunavut Land Use Plan and Section 2.1.1 of the Options and Recommendations document describe migratory bird setbacks, recommended by Environment Canada, to support marine and terrestrial migratory birds. Two of these setbacks, “Marine Setbacks (all seabirds)” and “Marine Setbacks (Northern Fulmars)”, are restrictions on fishing gear, and are therefore considered non-quota limitations. As per Section 5.6.48 of the *Nunavut Land Claims Agreement*, the NWMB has sole authority to establish, modify or remove, from time to time and as circumstances require, non-quota limitations on harvesting in the Nunavut Settlement Area. Although recognizing the potential for increasing seabird bycatch, NWMB staff are concerned about the impact these gear restrictions could have on commercial fisheries in Nunavut, particularly developing inshore fisheries. The NWMB defines inshore fisheries as those commercial fisheries taking place in the marine waters of the Nunavut Settlement Area (those waters directly adjacent to Nunavut and extending to the 12-mile limit of Canada’s Territorial Sea boundary). Fisheries development inside the Nunavut Settlement Area is an area of high interest for relevant Nunavut communities, the Government of Nunavut, Fisheries and Oceans Canada, Nunavut Tunngavik Incorporated and the NWMB. To encourage that development, and in accordance with Principle 3 of Section 4 of the NWMB’s Allocation Policy for Commercial Marine Fisheries, the Board has established an annual Qikiqtaaluk regional exploratory allocation for turbot of 100 tonnes to be fished within the Nunavut Settlement Area. This allocation is to be subtracted from the overall Division 0A allocation, must be fished within the Nunavut Settlement Area portion of Division 0A and is not transferable to the offshore. Figure 1 shows those key migratory

bird habitat sites for which Environment Canada has recommended 60 km gear (longline and/or gillnet fishing) setbacks. The majority of these areas overlap with exploratory fisheries for Greenland halibut (turbot) within the Nunavut Settlement Area and could impact the Qikiqtaaluk regional exploratory allocation. Nunavut communities that are actively conducting exploratory fisheries or have recently expressed interest in emerging fisheries include: Qikiqtarjuaq, Clyde River, Grise Fiord, Pond Inlet, Arctic Bay, Resolute Bay, Gjoa Haven and Kugaaruk. In addition, some communities, such as Coral Harbour, have expressed interest in exploratory arctic char fisheries in the marine area, which could also be impacted by marine setbacks.

In consideration of the above, NWMB staff recommend that the Nunavut Planning Commission remove the gear restrictions from the draft Nunavut Land Use Plan, as they constitute non-quota limitations that have not been approved by the NWMB. In accordance with Section 5.3.3 of the Nunavut Land Claims Agreement, NWMB decisions restricting Inuit harvesting can only do so to the extent necessary to (a) effect a valid conservation purpose; (b) to give effect to provisions in Article 5 and Article 40; or (c) to provide for public health or public safety. Furthermore, NWMB staff recommend that Environment Canada work with co-management partners and industry to increase seabird bycatch monitoring in the Nunavut fishery to gain a better understanding of seabird bycatch levels in Nunavut and consider other seabird bycatch mitigation measures that will still allow fishing activity.

Caribou Habitat

Although the NWMB was pleased to see that the 2014 draft Nunavut Land Use Plan recognizes the importance of caribou calving and post-calving grounds, NWMB staff are still concerned about the lack of appropriate protection given to these habitats. The Special Management Area Land Use Designation that has been assigned to caribou calving and post-calving areas that have been identified for high mineral potential is not satisfactory to NWMB staff. In addition, the draft Nunavut Land Use Plan does not acknowledge key access corridors which are essential pathways for mainland migratory caribou herds to access their calving grounds. Displacement, as a result of disturbance along a key access corridor, could result in cows calving on ranges with poorer forage and higher predator exposure, which could negatively affect the population. As noted in the draft Nunavut Land Use Plan and supported by the Government of Nunavut and Nunavut's three Regional Wildlife Organizations, caribou cows and calves are most sensitive to disturbance during the calving and post-calving season. Disturbance during these critical periods may displace caribou from high quality forage or reduce foraging time, thereby reducing milk production and calf survival. The accumulation of these effects over time can significantly impact the herd.

The Special Management Area designation that has been assigned to core calving and post-calving areas that have been identified for high mineral potential provides direction to regulatory authorities to mitigate impacts on these areas. It is NWMB staff's opinion that these impacts cannot be mitigated. Therefore, NWMB staff recommend that all identified mainland migratory caribou key access corridors, calving and post-calving grounds be assigned a Protected Area Land Use Designation that prohibits incompatible uses, including mineral and gas exploration and production, construction of transportation infrastructure and equipment operation.

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Figure 1. Map showing Environment Canada's recommended migratory bird marine setbacks.