

NUNAVUT PLANNING COMMISSION
PUBLIC HEARING ON THE 2016 DRAFT NUNAVUT LAND USE PLAN

Behdzi Ahda" First Nation, Ayoni Keh Land Corporation and
Colville Renewable Resources Council
(collectively referred to as "Colville")

PRE-HEARING WRITTEN SUBMISSIONS

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Submission for the Public Hearing on the
2016 Draft Nunavut Land Use Plan

1/13/2017

1 Background and Objectives

Introductory comments on topics such as:

- (a) the participant's involvement in the planning process to date.

Observers who are interested parties to the degree that the Nunavut Land Use Plan ("NLUP") affects our community.

- (b) its broad perspective

We are providing this submission as the Bluenose East caribou ("BNE") that calve in the Nunavut area pass through our traditional territory. We recommend that the caribou areas which are protected remain protected to prohibit invasion from all external projects as defined in the NLUP.

We consider the Nunavut Land Use Plan document as part of a decisive foundation to preserve not only the BNE caribou herd but many caribou herds in the arctic.

- (c) specific interests relating to the DNLUP, who it represents, and the process used and information relied upon to develop its submissions:

Behdzi Ahda" First Nation is the First Nation community affected by the NLUP document and the territorial grounds associated with the caribou who pass through our land. We are situated in Geographic Zone 4 which reflects no year-round road access to a service centre and as a result we experience a high cost of transportation. The closet service center is Inuvik which measured directly is between 240 km and 320 km. The most populated site within the area is the Colville Lake Settlement which consists of a registered population of 237 people as at October 2016.

The Ayoni Keh Land Corporation is the governing body created under the Sahtu Dene and Metis Comprehensive Land Claim Agreement with responsibilities associated with land use planning and regulation.

Colville Lake Renewable Resources Council is the Board which represents the region at large and is specifically mandated under the Sahtu Dene and Metis Comprehensive Land Claim Agreement to encourage and promote local involvement in conservation, harvesting studies, research and wildlife management in the community.

The following now provides some background for the basis of our reasoning including our recommendations.

The traditional name for the Colville people is Dela Got'ine which means the most northerly people of the Dene.

Dela Got'ine oral history teaches that the caribou were placed on Dela Got'ine traditional territory by the Creator. The Creator gave the Dela Got'ine the gift of the caribou for the Dela Got'ine to take, and as such the Dela Got'ine have harvested caribou since time immemorial.

Dela Got'ine principles teach that it is the Dela Got'ine responsibility to take care of the caribou and it is the responsibility of the caribou to take care of Dela Got'ine. One of the Dela Got'ine understandings with caribou is that if the Dela Got'ine abandon their responsibilities with the caribou and stop harvesting caribou, then the Dela Got'ine will lose the gift of the caribou, as the caribou will disappear.

There are laws regarding caribou that the Dela Got'ine are required to follow. Due to the importance of caribou to Dela Got'ine, and the threat to the very survival of Dela Got'ine and caribou if the Dela Got'ine do not speak up on the management of caribou, the Dela Got'ine are participating in this process.

Colville Lake is the most isolated community in the Sahtu and the cost of living is high. Store bought groceries are expensive and store bought meat is not affordable on a weekly basis. Even when they are, the preference for people in Colville is traditional food such as caribou and fish. Dela Got'ine have a constitutionally-protected right to right to hunt caribou, but hunting is integral to the cultural and survival of Dela Gotine. It is more than a right – it is a sacred responsibility that must be fulfilled for the Dela Gotine and the caribou to maintain their relationship.

The Dela Got'ine hunt caribou throughout their traditional territory and do not distinguish between Bluenose East and Bluenose West caribou, however for the purposes of interacting with western scientists and managers in this Hearing, the Dela Got'ine are using the terms Bluenose East and Bluenose West. One of the primary harvesting areas for Dela Got'ine is Arake Tue (also known as Horton Lake). A small number of Bluenose East caribou have been identified as occasionally passing through the Arake Tue area.

Impact on Arake Tue

Colville has jurisdiction over caribou in the Arake Tue area. There is on occasion the occurrence of the BNE caribou in the Colville traditional territory of Arake Tue. As noted, the proposed NLUP will impact the caribou in Arake Tue area and thus the community of Colville.

2 General Comments and Recommendations

The particular issue we are interested in raising are in regards to our suggestion that we view a firm prohibition on industrial activity in core calving grounds, migration routes and habitat with restrictions in post calving areas as the paramount means to shielding the BNE caribou populations from further reported declines.

Specifically, we view the road being considered in caribou migration routes is inappropriate.

As well, the Tundra Copper mining project including the entirety of the drilling and ongoing exploration is not supported.

The decline in caribou has coincided with northern development (diamonds, oil and gas, mineral exploration), yet meager effort is made to manage adverse impacts associated with development.

Studies indicate that caribou avoid diamond-mining sites (Boulanger et al. 2012), and are displaced from road corridors. According to local opinion caribou avoid industrial noises, notably helicopters. Indeed science-based studies support these local assertions. Researchers have found that aircraft over-flights do disturb caribou, most notably on calving grounds. One study concluded that caribou run away from flights up to 300 metres away, and display panic responses when flights are within 150 metres of caribou (Calef et al. 1976). Other studies found that aircraft over-flights caused the rate of nursing to decline, and helicopter landings at a distance of 300-2000 metres, would readily displace caribou and alter their activity patterns (Gunn et al. 1983).

Exploration activities within the calving range of the Bluenose East Caribou herd should be of considerable concern to wildlife managers. Caribou are loyal to specific calving grounds. Here they form large groups and drop their calves within a brief period of time. If many newborns are exposed to relatively few predators, the majority of calves are able to escape predators when they are most vulnerable. According to many studies these preferred calving grounds are unique – they are typically snow free, in areas of relatively low predator density, adjacent to areas that provide insect relief, and support relatively abundant emergent herbaceous plants (particularly cotton grass), and willows. It is well known that newborn losses typically account for a substantial percentage of the annual mortality of barren ground caribou calves. These preferred and essential habitats minimize newborn losses, provide cows with enough high quality digestible forage to allow cows to lactate, and are adjacent to important insect relief areas. The importance of these areas is well known to the Dene – they are considered sacred areas, and avoided by the Dene during the calving period.

Studies in Alaska have found that development indeed displaces caribou from calving areas (Cameron et al. 2005), and that disturbance of caribou on these calving grounds has a direct effect on their reproductive success (Steve Murphy, quoted in Russell et al. 2002) and calf mortality (Whitten et al. 1992). Macdonald (2016) reminded us that, “studies show that communities, roads and other developments can cause major changes in the distribution of migrating herds and possibly cause them to move from preferred calving grounds”.

Developments should be prohibited on caribou calving grounds to avoid the displacement of caribou. Strict conditions should also be imposed on studies on the calving grounds to avoid invasive methods that disturb caribou during the critical calving period. There can be little question as to the importance of these key habitats. To suggest that caribou can adapt to industrial activities on their calving grounds, is a gamble that we believe governments should not be taking. This is particularly troubling given that industrial development on the Bluenose East areas is contemplated at a time that Dene harvesting rights and traditional harvesting practices are being infringed upon.

Governments should also ensure that spring migration corridors are protected. Caribou migrate within a corridor of least resistance. Cows typically move at a rate of 20 km/day, with little food available, and encounter obstacles such as deep snow and spring floods. They are pregnant, with minimal body reserves. These travel corridors are used year after year, presumably because they

offer features that minimize hazards and energy costs. Yet a road is being proposed along a portion of the Bluenose East Herd migration route. According to a Kendrick et al. (2004), Lutsel K'e elders believe that disturbance within traditional migration corridors and water crossings might be displacing animals to less optimal routes, and this likely influences where they winter.

There is overwhelming evidence that development has a direct effect on caribou, notably on calving grounds.

Caribou management is a complex area. Colville makes the following recommendations:

- a) protect caribou calving grounds from development;
- b) protect caribou migration corridors and water crossings;
- c) restrict development or regulate aircraft over-flights in key habitats at sensitive times of the year;
- d) research and consultation with Colville RRC on means of conservation of BNE;
- e) working with Colville RRC for the protection of the BNE migration routes in the NWT; and
- f) working with Colville RRC for protection of the BNE calving grounds in Nunavut.

3 Specific Comments and Recommendations

Observations on issues where the submission includes more detailed comments, analysis and specific recommended changes to the DNLUP, organized as follows:

N/A

4 Editorial Recommendations and Considerations

Identification of wording in the DNLUP where minor editorial changes are recommended for legal certainty and consistency or for additional clarity. Include specific recommended wording (with track changes) using the following table:

N/A