

SPENCE BAY HUNTERS AND TRAPPERS ASSOCIATION
SUPPLEMENTAL WRITTEN SUBMISSION
ON THE 2016 DRAFT NUNAVUT LAND USE PLAN

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1. Background and Objectives

An organization given its mandate by the Nunavut Agreement, the Spence Bay Hunters and Trappers Association (HTA) has powers and functions related to the regulation of harvesting practices and techniques of its members, the allocation and enforcement of community basic needs among members and potential assignment to non-members, as well as generally, the management of harvesting among its membership.

The HTA has a vested interest in the management of lands and resources which may affect the wildlife, habitat, and disposition or and/use of lands around Taloyoak upon which our membership depends. The HTA has participated in prior stages of the Nunavut Planning Commission's (NPC) processes related to the development of the Nunavut Land Use Plan (NLUP), and is thankful for the opportunity to submit the enclosed comments.

The HTA's objectives in making this submission are largely centred on preserving the Boothia Peninsula and surrounding areas to ensure the health and integrity of wildlife species and ecosystems, the health and wellbeing of Netsilingmiut, and to promote economic development that is in line with the community's values and overarching vision for the Peninsula. We envision all of these - wildlife, the ecosystems to which they belong, our wellbeing, and economic development - as needing our support and protection in order to thrive and grow and provide lasting benefit for many future generations to come.

In November 2016 the HTA submitted comments to the NPC as part of the ongoing NLUP development process, including a motion by our Board to request protection through the NLUP. These comments were not incorporated into the NLUP, and it remains unclear if or how the NPC will incorporate the request to protect the Boothia Peninsula from mining development in the ongoing development of the NLUP. To ensure the HTA's voice is heard, we submit the enclosed comments to supplement our initial submission for the Commission's consideration in moving forward with the NLUP process. The HTA trusts that our previously filed comments, as well as this current submission, provide the Commission with the necessary rationale and information to support the community's desire for the Boothia Peninsula and the wildlife resources that our community depends upon for sustenance, cultural well-being, Inuit Qaujimajatuqangit, and economic development to enjoy formalized protection under the NLUP.

2. General Comments and Recommendations

2.1. Quality of the planning process

The HTA requests that the NPC conduct an additional in-person Hearing, such that Commissioners may question parties, and, if determined by the Commission to be an appropriate measure, that parties may also use the opportunity to question one another on all evidence before the NPC. This is especially important for the HTA; as we were of the understanding, based on its formal Notice of Change from Single Public Hearing¹, issued March 3, 2017, that the NPC would host a Kitikmeot Hearing, we chose not to attend the Iqaluit session in March 2017. The HTA suggests that failing to follow through on the commitment to offer a Kitikmeot Hearing introduces procedural fairness issues, and suggests

¹ NPC, March 3, 2017. "Notice of Change from Single Public Hearing on the Draft Nunavut Land Use Plan to Three Regional Public Hearings", accessed online at http://nunavut.ca/en/draft_plan/consultation_record.

that the Commission plan to hold at least one additional in-person Hearing so that parties affected by the suspension and potential restructuring of the NPC's process have the same opportunity to appear before the Commission as those participants attending in Iqaluit, and that this occur as soon as may be practicable. Allowing some, but not all, organizations the opportunity to appear before the Commission is an issue for our organization. The HTA is specifically concerned that it has not had an opportunity to present our comments to the Commission in-person, nor an opportunity to question those individuals and/or organizations which may have presented information to the Commission that conflicts or competes with our interests. The HTA again suggests that an in-person Hearing, and additionally, the possibility of a separate opportunity to respond to written submissions, would be the most appropriate measures to ensure a fair, transparent process upon which the Commission could base its decisions relating to land use that affect the territory as a whole, and the Boothia Peninsula and surrounding areas, in particular.

The HTA has concerns about the length of time that has passed since the last active stage of the NLUP process (comment submitted in 2016, Iqaluit Hearing in 2017). While not likely the Commission's intention, the significant amount of time that has passed since the previous stage of the NLUP process leaves the HTA confused about where the process is currently at, how the current comments will be addressed or considered by the Commission, whether a Hearing is yet to occur, and at what future stage additional consultation/comment will be considered.

While detailed further in the subsequent section, the HTA has significant concerns that our input and input from our community members has not been adequately incorporated into the last two versions of the NLUP. The Commission staff visited Taloyoak in 2014 ahead of releasing a draft of the NLUP, however no subsequent consultation was conducted between the 2014 and 2016 versions. This is an issue for Taloyoak because our input was not incorporated into either the 2014 or 2016 NLUP versions. The planning process should include opportunities for communities to be heard, and should provide justification when community input is not incorporated, especially in our situation, when requests for conservation planning are ignored.

Not the least of our concern, the longer the plan development process stretches on, the more potential development is allowed to proceed within the Boothia Peninsula and surrounding areas without the desired protections which could be put into place through a finalized NLUP. All that to say, a slow and interrupted process is an issue unto itself, but a slow process that also ignores community input and delays protections and other directions for land use is simply unacceptable to the HTA, and we urge the Commission to move forward with its planning process as expeditiously as possible.

2.2. Incorporation of input & Balance of competing interests

The HTA is uncertain whether or how the input provided in our initial 2016 submission has been or will be incorporated by the NPC. The HTA understands that to date, despite consultations carried out with our community in 2014 and our submission made in 2016, neither of the subsequently released 2014 or 2016 versions of the NLUP have accurately captured the wishes of our community in terms of either conservation or the protection of our resources.

The HTA is deeply concerned that the Commission has not incorporated our input, and we are increasingly concerned that with no in-person Hearing, our voice will again be lost or forgotten as the NPC endeavours to review and revise this NLUP.

We are also uncertain about what to expect following the Commission's in-person Hearing to be held in the Kitikmeot region. It is recommended that at the close of the NPC's Hearing record, along with a revised NLUP, the Commission release a report outlining its rationale for incorporating, or not incorporating, various aspects of input presented by participant organizations.

3. Specific Comments & Recommendations

The HTA provides the following specific comments and recommendations, based on the current 2016 draft of the NLUP as well as information that had been provided to NPC staff during 2014 consultations (2014-05-30 Taloyoak Report, obtained from the NPC's website at <http://nunavut.ca/en/downloads>).

3.1. Expand Current Protected Area Designations on Boothia Peninsula

3.1.1. Materials Referenced

- 2016 Draft Nunavut Land Use Plan
- 2016 NLUP Options and Recommendations document
- 2016 NLUP: Schedule A Land Use Designations
- 2016 NLUP: Schedule B2 Caribou Ranges
- 2016 NLUP: Maps 47-59
- 2014 Draft Nunavut Land Use Plan
- 2014 Taloyoak Report

3.1.2. Comments

The HTA submits that the 2016 NLUP does not provide adequate protection of the lands and resources of the Boothia Peninsula. We further submit that despite numerous previous requests for this protection, our voice has been ignored through formal proceedings such as the development of the NLUP. Specifically, we note that during consultations with residents and organizations in Taloyoak in 2014, we requested that the NLUP provide protection for the Boothia Peninsula that would prevent mining and mineral exploration, and conserve and protect the area for our current and future generations. We outlined specific areas and specific species and components of the environment that required protection, yet these have not been captured or updated as part of the 2014 or subsequent 2016 versions of the NLUP.

The Spence Bay HTA reiterates our request that the Commission extend Protected Area designations to cover the entire Boothia Peninsula. We present the following specific information to support this request.

3.1.2.1. Caribou

According to traditional knowledge shared by hunters and Elders in Taloyoak, caribou spend time, year-round, on the Boothia Peninsula, including during calving and post-calving stages. The small polygons identified within Schedule B2: Caribou Ranges of the 2016 NLUP are not accurate according to this local and traditional knowledge of the animals as they currently use our traditional lands. While the Government of Nunavut conducted a survey of the Beverly and Ahlak herds in 2011, the survey extent did not capture the Boothia Peninsula, and it appears that information regarding caribou use of the Peninsula is sparse. We feel strongly that better information about the caribou on the Peninsula is needed, and that in the absence of this information, it is essential that protection for caribou extend to cover the entire Peninsula. We do not want to see mining, mineral exploration, or industrial development anywhere on the Peninsula. We know from experience and observation that caribou are incredibly disturbed by helicopters, aircraft, and the noise of development around the Peninsula. In past years, when there has been increased helicopter and aircraft traffic from exploration and research programs, there were no caribou at the places we have historically found them. These animals do not need to face increasing development pressure, nor should we suffer impacts to our traditional practices, lifestyles, and sustenance activities for the sake of industrial development. We do not want caribou to face this pressure, to undergo stress from exploration or other companies flying around, and we do not want unnecessary impacts to our cultural practices, hunting, and overall wellbeing.

The HTA understands that caribou move north and south via the narrow point on the Peninsula near Taloyoak. We have also understood for many years, that caribou have and continue to move in a circular pattern around the Boothia Peninsula, migrating north and cycling around the Peninsula back south again. Our people have followed the caribou for generations, and this we know to be the movement of the herds that frequent our lands. The NPC's current mapping show only calving and post-calving areas on the eastern side of the Peninsula, which is an inaccurate representation of the animal's movement patterns. As we know it, the entire Peninsula is essential for caribou. We see caribou moving throughout the Peninsula, we see caribou calving near Taloyoak and in the centre of the Peninsula. The integrity of the Peninsula is essential to allowing us to continue developing and sharing our understanding of caribou behaviour, to continue passing on our knowledge of the herd(s), and to continue our hunting and traditional practices as well as ensuring future generations receive and understand this information and are able to learn and practice for years to come.

We have watched closely as the caribou herds in Eastern Nunavut decrease in size, nearly disappearing so that they can no longer be harvested on Baffin Island, and caribou in Northwest Territories and Alberta suffering from what we understand to be development impacts. We see quotas put in place on other herds, we see what development has done to caribou and to Inuit who can no longer hunt these animals that are so central to our culture and our wellbeing. We want to have the Boothia protected from development; we do not want to see our caribou herd declining or in poor health because of development. We do not want their movement to be interrupted or disturbed at all because of mining, camps or other forms of industrial development. We know that the ability of animals to move according to the herd's historical knowledge is paramount to their success, and interrupting this with exploration, mining and related camps, roads, and related infrastructure is unacceptable to our people.

3.1.2.2. Other Wildlife & Freshwater

People of Taloyoak, including our hunters, our Elders, our youth, and members of our community as a whole, believe that the Peninsula is an important place not for only caribou, but also for polar bear, musk-ox, wolves, other fur bearers like fox and wolverine, and also for

the fish that live in the numerous lakes and rivers found here. We believe the area where the Peninsula narrows, near Taloyaok, is of special importance for wildlife to access and ultimately to use the entire Peninsula, and it is also an important place for us as knowledge holders of this land, as we see animals coming and going through this narrowed area. We also know, based on our traditional knowledge, IQ, and from current knowledge holders, that the entire Peninsula provides habitat for these wildlife species, and that the land area's integrity is essential for their population's productivity and longevity. According to regulation, the Peninsula hosts the dividing "line" between McClintock and Boothia polar bear zones, and we know from understanding the animals, that polar bears move east to west across the Peninsula, across that "line", with animals using the whole of the land area as their usable range. We know that caribou migrate north and south along the whole Peninsula, with potentially more than one herd also using these areas (Peary to the North, Ahlak and/or Beverly to the South).

We also know that an incredible number of lakes are populated with fish - these fish are important as food sources for Inuit, as well as for the wildlife species that either depend on them directly, or depend on their contribution to the food chain and cycle of life. We have traditionally fished in lakes and rivers around the Peninsula. As part of our history and traditional knowledge, we take pride in teaching our younger generations the ways of our people, in developing and using fish weirs to harvest for our needs. We use historic weirs already in place, and we practice building new weirs. The health of our fresh waters, and the fish that frequent them, are of utmost importance, not only for wildlife that depend on them, but for our people and the historical knowledge that is supported by our ability to practice these traditional skills and to be able to feed our people with the bounty our lakes and rivers provide. We are proud of the clean, fresh water of our lakes and rivers, and of the fact that so many of the waterbodies are home to fish. Inuit Qaujimajatuqangit has confirmed for generations, that many rivers and lakes on the Peninsula are habitat for fish including their running and spawning activities. We are concerned that when lakes or rivers are impacted, the fish are impacted, the seals are impacted, the polar bear are impacted, and all of these species and the relationships between them, we rely upon in some form or another.

The HTA understands the interdependence of the wildlife, food chains, and ecosystems on which we rely, and we believe this balance must be protected from the impacts of development. The NLUP is a formal tool that can implement protection of these balances to ensure the integrity of our land and resources for our future generations.

3.1.2.3. Traditional and Cultural Uses

Inuit have a significant historical footprint on the Boothia Peninsula; there are archaeological sites and tent rings that we understand belong to our ancestors from the Paleo-Eskimo period located in numerous sites throughout our Peninsula. There are remains of sod houses, grave sites, artifacts, and other traces of our history found in these important, sacred areas. It is essential to us that these places are protected from development and preserved for our continued use and to support our collective state of knowledge.

While traditional and cultural sites may not be directly related to the conservation and management of wildlife and harvesting, the HTA asserts that protecting our history is important to linking traditional knowledge with our current knowledge and understanding of wildlife, their habitat, and the patterns of use of both people and animals. We can follow and understand the movements of our ancestors and interpret their understanding of the wildlife and land by reading inukhugait, the signs they left for us.

It is essential that these important places are preserved for our current and future generations to ensure that we can pass along to future generations, a deepened understanding of the wildlife, habitat, and entire environment on which we have depended on for all of our history. We have numerous camping and traditional sites that we frequent at different times of the year to harvest wildlife, fish, and pick berries, plants, and eggs, and that we use to simply enjoy and continue learning from our traditional lands. We enclose as Appendix A, a map that has highlighted marine areas as well as the entire Peninsula which we request be assigned protected area status. We would be happy to work with the NPC GIS staff to clarify these specific areas, but the ideal situation would be protection from development of these marine areas and the entire Peninsula, since our travel, camping, fishing, hunting, and harvesting areas combined, do make up a significant portion of the land and waters found on and around the Peninsula, and the wildlife on which these activities rely, also need the entire Peninsula protected to ensure their continued success as species.

There are a number of sites on the Peninsula which are important and revered to us as the place of legends - specifically at places like Lord Lindsay Lake and Lady Melville Lake, we have stories that have been passed down for generations which direct us in our use and travel throughout these areas - losing access to, or having irreversible change and damage to these places would be an immense loss for us, for our cultural well-being, sense of place, and understanding of ourselves in the world.

The things we know are based on what has come before. Today, our Elders, children and grandchildren rely on money and economic opportunities to survive. But for our history to survive, for us to remember who we are, we must protect the Boothia, not only for the wildlife and environment to persist, but because of the stories, for the rich and vast experiences we as a people have had here - these we will pass to our future generations - they continue living on because we have this place to use as a teaching ground, as the physical reality that lets our history and our culture survive. Our Elders have told us of travel routes and the ways our people used the land and animals in past from all over the Peninsula - these words mean something to us, and we have the ability to visit, to learn, to follow in their footsteps. We want to protect these stories and experiences of our ancestors, so that they will persist long into the future, and this means we need the physical places protected as well. The HTA must fight to preserve these places and the culture we have, it is how we connect with our culture and our history - and the Commission has the power to do this by protecting our Peninsula.

“We want to carry our traditional knowledge to the next generations, teach them what we have learned, what we know about how to hunt, fish, camp, and prepare food. Already today, our people have forgotten or lost information and teachings from our ancestors. We have to protect this.”

- Spence Bay HTA Member

3.1.2.4. Protection of Marine Areas in the vicinity of Boothia Peninsula

The HTA is concerned that the current version of the NLUP offers no protected area designations for any marine areas around the Boothia Peninsula, and we submit that the current lack of protected and special management area designations does not accurately reflect our use of the area, nor the level of protection we would like to see for these areas and wildlife species.

Specifically, we would request that the Commission designate Protected Area status to areas adjacent to and further northwest of the Peninsula which are known to be essential for Peary caribou ice crossings. The areas used for ice crossings, considered as a marine component, we feel deserve Protected Area status, to most importantly prohibit any ice breaking shipping to be allowed through the Franklin Strait.

Furthermore, based on our traditional and current knowledge of marine mammals in this area, the HTA knows that both narwhal and beluga whales frequent waters near to the Boothia Peninsula. Both of these species use areas in the vicinity specifically for calving activities, and beluga in particular use areas near the Peninsula during their moulting or skin shedding periods.

We know specifically that beluga use areas along the western side of our Peninsula extensively throughout the summer, and that narwhal also frequent these waters, including among others, an area known as Cunningham Inlet. Our hunters travel waterways the length of the Peninsula to harvest whales. It is essential that these waterways are protected, for the persistence and protection of the species from industrial development. In addition to the roughed out areas identified in Appendix A, the HTA would be willing to work with the NPC to make sure it has accurate mapping information about these areas should it require this to incorporate our knowledge into its next iteration of the NLUP.

We are also significantly concerned about safety of ship movements through Bellot Strait at the northern tip of the Peninsula, not only from a human safety perspective, but more pertinent to our mandate, is the risk and potential for fuel spills to impact upon the ecosystem. It is essential to us that these waters are protected from the potential impacts of shipping that come with industrial development, the increasing shipping through the Northwest Passage, and from unchecked industrial and commercial ship movements. We would like to see restrictions placed on the type of fuel ships are allowed to use and transport through waters around the Boothia Peninsula. We would prefer that only lighter fuels, not heavy fuel oils or blends, be allowed to for use or carriage for use in the waters around the Boothia Peninsula. This requirement is important to protect our coastlines, as well as the birds, mammals, and fish that live and frequent these waters, for they serve as mainstays of our diet, and are essential components of the food web on which the health of marine ecosystem depends. We passed a motion supporting a ban on the use and carriage for use of heavy fuel oils throughout Canada's Arctic, and feel that this type of fuel should not be used or carried in our Arctic waters, including those around the Boothia.

3.1.2.5.Economic Development Opportunities

The HTA, along with members of the entire community, have plans for economic development that are not aligned with the usual expectation that mineral development is the penultimate source of community economic and social development, but rather opportunities that draw on our healthy and plentiful wildlife, our traditional lands brimming with historical significance and learnings, and which capitalize on the opportunities these have for marketing both locally, and to a national and even international client base. We envision renewable, traditional, and forward-thinking economic development opportunities that will develop our skills, enable people to gain meaningful and steady employment, generate revenue for the community, and strengthen our traditional and cultural wellbeing.

More specifically, we plan to develop a successful sport hunting program, with trained guides and helpers able to lead interested sports hunters on muskox, and eventually, we hope, polar bear hunting trips as well. We have commercial fishing licenses for both Paalik (Garry) Lake and Netsilik Lake on the Peninsula. We submit that these lakes, their tributaries and setbacks, must also be included in the NPC's protected areas, as we plan to establish small scale commercial fisheries there, and distribute the fish to our community, both as a part of our distribution program and through commercial sales. We expect to continue fishing commercially in the years ahead, and are now in the process of developing business plans and applying for funding to support a "cut-and-wrap" fish and caribou meat processing facility. There is a large demand for country foods in Taloyoak, and a cut-and-wrap facility would meet that demand, including free distribution for those in need, as well as commercial sales which would bring an income to hunters, fishermen, and the HTA. We plan to investigate the potential to access southern markets with our products at a later date, and hope to develop our cut-and-wrap facility such that distribution to a broader market is possible. Additionally, we recognize there is a market in non-consumptive eco-tourism. That is, visitors to our community and the lands surrounding could come to undertake wildlife viewing, skiing, hiking, camping and canoe expeditions, and other activities that appeal to tourists. Finally, we are looking into more formal designations for protection, through the establishment of a park(s), marine protected areas, and other options available to us outside of the NLUP process. That said, we firmly believe the NPC process is the most relevant and most important step to implementing these protections, as it is a Nunavut Agreement organization, and the NLUP is supposed to protect the interests of Nunavummiut and Inuit that live here.

In order for our vision of this successful future to flourish, and for our self-made economic development scenarios to thrive, we absolutely require that land uses around Taloyoak are managed appropriately by the NLUP designations to firstly, limit the mineral and industrial development that we feel puts these opportunities at risk, and secondly, as much as possible, provides protection that will ensure the future health and stability of the numerous wildlife populations and entire ecosystem on which we rely.

"We understand the economy today, young people need to learn new technologies. A mine may be able to help in some ways, but all that disturbance on the land and to wildlife disrupts the ecosystem, too much. We want more, to protect the land, we do need some kind of revenue for young people to earn income, but this must come [from activities] that allow us to protect our land and ecosystem [from industrial development]."

- HTA Member

3.1.3. Recommendation(s)

We recommend that the Commission assign the entire Boothia Peninsula the Protected Area designation. No mineral exploration or development should be permitted on the Boothia Peninsula. Recognizing that an approved NLUP would be subject to review every 5 years (or more frequently if the need should arise), the HTA plans to have set into motion our aims for economic development, and will be prepared to substantiate our claim that protection is necessary for our economic opportunities. If mineral or other industrial interests set their sights on areas within the Peninsula during the 5 year window, the HTA would be receptive to NPC's review of the protected area status and would be open to providing information for its consideration as to whether or not the level of protection should be subject to change.

The HTA recommends that the GN and/or the NPC clarify specifically what information it based the initial polygons for Protected Area designations 38 and 39 on the Peninsula, and that the GN clarify when new surveys may be completed to provide more substantial data regarding population estimates for the Ahiak/Beverly, and Peary herds, and those found on the Boothia Peninsula, in particular. We respectfully request that responses to the information request are in map or tabular format, as the HTA does not have GIS capacities to interpret shape files using specialized software.

The HTA also recommends the NPC assign a Protected Area designation for caribou sea ice crossings through Franklin Strait, and that through either a Protected Area or an amended Special Management Area designation, it prohibit ice breaking shipping through this passage, as well as prohibiting the use and carry for use, of heavy fuel oil and blends through both the Franklin and Bellot Straits and areas surrounding the Peninsula, as outlined in Appendix A.

3.1.4. Rationale

We believe the areas of Boothia Peninsula are utilized by caribou more extensively than scientific information utilized by the NPC in preparing its NLUP. Hunters and traditional knowledge holders in Taloyoak have shared information about caribou movement throughout the Peninsula, and also areas where animals, not only caribou, but all terrestrial animals, are found, where they are most sensitive, and what areas should be protected from development. The entire Peninsula, and not only the polygons currently set out in the NLUP, should remain closed to industrial development.

While information obtained from COSEWIC's assessment and status report from 2016 on barren-ground caribou suggests the most recent, maximum and minimum recorded estimates and trends for the Ahiak Barren-ground Caribou subpopulations was from 1995 (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/cosewic-assessments-status-reports/caribou-barren-ground-population-2016/chapter-3.html>), it is our understanding that surveys may have been flown in the area, though no information from the GN's websites provide any information about the specific herd population distribution or abundance on the Peninsula.

Aside from prospecting permits, there are no significant existing mineral rights, and no active, ongoing development projects on the Peninsula; we therefore suggest that granting a Protected Area designation to the whole of the Peninsula would be of greater benefit to our interests than would limit industrial development in the area.

Impacts to the marine ecosystem, and to marine mammals upon which we depend should be guarded against, to ensure we are able to obtain healthy fish and mammals long into the future. There is no excuse for the NPC's failing to prevent harm in this instance, especially when we are requesting such protection. We do not want fuel or oil spills in and around the waters where we live and eat. We have passed a resolution to support a ban on the use and carriage for use of heavy fuel oils in the Canadian Arctic, and have advised the federal government of this position (Appendix B).

As a community, Taloyoak has plans for economic development that look to utilize renewable resources; options that will allow us to develop opportunities for prosperity without the need to engage in industrial development that has the potential to disrupt and damage the environment upon which we, and the wildlife species important to us, depend for our respective future health and well-being.

The Commission provided a listing of questions to participants along with the invitation to provide this written submission. In response, and as further rationale for our requests, the HTA submits further comment.

With respect to Question 74 (re: how should the NLUP define and implement the precautionary principle, recognizing the weight the Commission gives to traditional knowledge and IQ?), the HTA suggests that as a starting point, the NLUP may define the precautionary principle similarly to the widely accepted Rio Declaration 1992 definition: “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” The HTA also suggests that the NLUP consider a working definition provided by UNESCO: “*When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. Morally unacceptable harm refers to harm to humans or the environment that is threatening to human life or health, or serious and effectively irreversible, or inequitable to present or future generations, or imposed without adequate consideration of the human rights of those affected.*”²

The UNESCO report acknowledges that the emergence of the PP has marked a shift from post-damage control to the level of a pre-damage control of risks, and that precaution itself, involves taking a stand on value-sensitive issues and strategies, and that it typically implies a long-term thinking that extends beyond periods of time that can be relatively short (i.e. a term of office), sometimes looking far into the future (2005). The HTA is concerned that the NPC may look to scientific “experts” or government bureaucrats as authorities on the facts that enter the deliberation about protections we seek through the NLUP, but per UNESCO, these people are not necessarily experts on how different values have or should influence the weighing of the options before the Commission (ibid.). That weighting and consideration is the sole responsibility of the Commission, which we suggest, should look to supplement the decision-making process with input from the HTA and other participants in order that their NLUP fairly and accurately captures the differing viewpoints and values that are present in the consideration of these issues. The HTA feels that the definition of the precautionary principle described by Kriebel et al. (2001) is also worth consideration by the Commission, noting specifically their suggestion that the precautionary principle has four central components: taking preventive action in the face of uncertainty; shifting the burden of proof to the proponents of an activity; exploring a wide range of alternatives to possibly harmful actions; and increasing public participation in decision making.³

The HTA submits that an application of the precautionary principle **can** be realized by the Commission providing protected area status to the Boothia Peninsula. We submit further that with limited and inconsistent scientific data regarding wildlife and the ecosystems on and around the Peninsula, including but not limited to caribou populations, it would be a severely short-sighted decision to allow development on these lands. The HTA also suggests that the NLUP should provide protect area status for these important lands, and then, on a case by case basis, industry proponents may apply for exception or exemption to the NLUP, at such time they wish to pursue a project that is not in line with the land use designation. With subch protection in place, the burden of proof will be rightly placed on the proponent, *at that time*, to

² UNESCO (World Commission on the Ethics of Scientific Knowledge and Technology (COMEST). 2005. The Precautionary Principle. United Nations Educational, Scientific and Cultural Organization. Paris, France. 52 pp. Accessed Oct 1, 2018 from: www.unesdoc.unesco.org/images/0013/001395/139578e.pdf.

³ Kriebel, D., Tickner, J., Epstein, P., Lemons, J., Levins, R., Loechler, E., Quinn, M., Rudel, R., Schettler, T., and Stoto, M. 2001. The precautionary principle in environmental science. *Environmental Health Perspectives*. 109(9). p. 871-876.

address concerns about wildlife and ecosystemic impacts. We argue that now, at the land use planning stage, there is too much uncertainty about the animals, their habitat, and their ecology, to know whether and how the impacts of development may affect them, and we are presenting an alternative use of the lands and resources which requires protection to ensure our livelihood and the continued traditional practices of our people.

With regard to Question 77 (recommend specific research topics and themes that should be addressed to fill important gaps in knowledge?), the HTA, based on comments raised in previous subsections, recommends a focus on caribou data around the Boothia Peninsula be a focus of study. In addition, it is recommended that research be conducted to develop a deeper understanding of how marine mammals such as narwhal and beluga utilize waters around the Peninsula.

In closing, we note firstly, that we understand the economy today, that our young people need to learn and accept and utilize new technologies, and in this way, yes, mining and industrial development must be a part of our reality. However, and central to our submission, we note that we also believe, based on our traditional and current state of knowledge, that the disturbance these activities will have to the land and wildlife will irreparably disrupt the ecosystem, and that these disruptions, the damage it will cause, puts our culture, dependent on wildlife and traditional ways, at serious risk of being equally damaged and destroyed. When we consider the benefits of industrial development against the possible impacts this development may have on our terrestrial and marine wildlife and ecosystems, and to our traditional ways of life, our connection to the land and animals, the ability for our future generations to experience our culture, to gain our knowledge and understanding of the world around us, the costs are much, much too high. We would rather find healthy, renewable ways to earn income for our people than see all of the important things in our lives traded away in the name of mineral or other industrial development, and we believe the evidence and material we have provided to the Commission in this submission is adequate to support our recommendations.

Appendix A: Map of Areas Proposed for Protection around Boothia Peninsula



The Spence Bay Hunters and Trappers
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The reason for the motion as follows

- Ahliahk Caribou Herd Annual
- Musk-ox MX8 Herd Annual
- Arctic Char runs and back up
- White Fish run and back up
- All kinds of fishes, Lake Tro
- All kinds of ducks migrate a
- All kinds of geese migrate a
- All kinds of loons migrate a
- All kind of sea birds migrati
- All kind of small birds migr
- All types of birds live in Bo
- Foxes have dens
- Wolves have dens
- Polar Bears have dens
- Belugas and Narwhales cor
- All types of Seals com up to
- All the animal that live and to protect the land and its

Jimmy Oleekata

Appendix B: SB HTA Letter to Transport Canada RE Ban on HFO

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P.O. Box 20 Taloyoak, Nu. X0B 1B0 e-mail taloyoak@kitikmeothto.ca P (867) 561 5066 Fax (867) 561 5232

The Honourable Marc Garneau
Minister of Transport
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Garneau:

Northerners are fortunate to live in one of Canada's most pristine and wild environments – the Arctic. Our wellbeing is intricately tied to the health of our marine ecosystem, both in terms of species we harvest that are important sources of food, and in the creation of traditional garments and tools that our culture needs to thrive. The use of heavy fuel oil (HFO) by ships transiting Canada's Arctic waters causes us grave concern. Specifically, we are concerned that a spill would result in significant and irreparable damage to the environment and wildlife, as the clean up could take years and in many cases of oil spills, marine ecosystems are not able to fully recover. We are also concerned that the emissions from the use of HFO contribute to climate change and the production of black soot, both of which have detrimental effects on the very sea ice and snow that are integral to our well-being.

Heavy Fuel Oil (HFO) is a viscous, toxic, polluting fossil fuel that powers ships throughout the globe – accounting for 80% of marine fuel used worldwide. HFO, if spilled in cold polar waters, sticks to surfaces (including ice), and mixes with water to form a thick ooze. It breaks down slowly, often persisting for many weeks or longer. These characteristics of HFO, combined with the lack of equipment and spill response capacity in the Arctic and fact that most Arctic waters are ice-covered for much of the year mean spills are nearly impossible to clean up. An HFO spill would have long-term, devastating effects on our community, livelihoods and the marine ecosystems we depend upon. The cost of cleaning up an HFO spill, depending on its size, could also cost hundreds of millions of dollars and take decades to complete, with no guarantee that the ecosystem would fully recover. It is with respect to these types of issues that HFO use and carriage was banned in Antarctica and in parts of Norway's waters as well.

We ask that the federal government move forward with the development and implementation of a formal ban on the use and carriage of HFO and fuel blends with similar properties by ships transiting Canada's Arctic waters. We also ask that Canada consider the establishment of a transition fund that could be accessed by shipping companies during the initial years of such a ban being implemented. A fuel transition fund is needed to support the phase out of HFO and replacement with lighter, less-polluting fuels by the shipping industry. Switching to non-HFO fuels has the potential to cost the community re-supply sector in the Canadian Arctic; we recommend the transition fund to help manage that transition and ease this cost burden, ensuring additional costs are not passed on to Nunavut communities.

In supporting this ban, Canada will be fulfilling its election promises and its commitment to building a sustainable Arctic economy. This ban is aligned with the desire of Nunavut communities to protect our waterways for our continued use today, and for future generations.

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Spence Bay Hunters and Trappers Association

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Sincerely,

Tommy Aiyout,
Acting Chairperson,
SBHTA

Cc: Hon. Premier Joe Savikataaq, Government of Nunavut
Hon. Minister Jeannie Ehloak, Government of Nunavut, Dept. of Environment
Aluki Kotierk, President, Nunavut Tunngavik Inc.
Natan Obed, President, Inuit Tapiriit Kanatami
Monica Ell-Kanayuk, President, Inuit Circumpolar Council Canada