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NUNAVUT WILDLIFE MANAGEMENT BOARD

SUBMISSION TO THE

NUNAVUT PLANNING COMMISSION



Issue: Nunavut Wildlife Management Board (NWMB or Board) submission to the Nunavut Planning Commission (NPC or Commission) public hearing to consider the Draft Nunavut Land Use Plan (Draft Plan)

Relevant Roles and Responsibilities of the NWMB

Pursuant to Article 5 of the *Nunavut Land Claims Agreement*, the NWMB is a quasi-judicial tribunal with decision making responsibility, acting as the main instrument of wildlife management and the main regulator of access to wildlife in the Nunavut Settlement Area (NLCA Section 5.2.33). Among the NWMB's discretionary functions, the Board shall provide recommendations to the Nunavut Planning Commission with respect to planning in wildlife management zones and areas of high biological productivity (NLCA Section 5.2.34 (b)); and provide advice to departments, the Nunavut Impact Review Board and other concerned agencies regarding mitigation measures and compensation to be required from commercial and industrial developers who cause damage to wildlife habitat (NLCA Section 5.2.34 (e)).

The NWMB recognizes and respects that primary responsibility for the management of lands in the Nunavut Settlement Area is exercised by government agencies and relevant bodies established pursuant to the *Nunavut Land Claims Agreement*. At the same time, "...*habitat management and protection is an integral function of wildlife management, and as such is commensurate with the NWMB's responsibilities for wildlife matters...*" (NLCA Section 5.2.36). As well, past experience has demonstrated that reviews of proposed development and exploration activities regularly address issues of wildlife and their habitat. Such reviews, as well as other activities subject to the Nunavut Land Use Plan, would clearly benefit from receiving and incorporating the informed views of the main instrument of wildlife management and the main regulator of access to wildlife in Nunavut.

The NWMB has recently commenced its development of a *Habitat Management and Protection Program*. Through this program, the NWMB aims to ensure the availability of adequate high quality habitat to support healthy wildlife populations, which in turn can provide ample harvesting opportunities for current and future generations of Nunavummiut, for whom hunting and fishing is a way of life.

NWMB's Recommendations

Caribou Habitat

Currently, in Section 2.1.2 of the draft Nunavut Land Use Plan (Draft Plan) caribou calving grounds are assigned a Protecting and Sustaining the Environment Land Use Recommendation of PSE-R2, which stipulates that project proposals located in historic caribou calving grounds should take into account impacts on caribou calving, post-calving areas and migration routes. The NWMB does not think that this recommendation fully recognizes the economic, social and cultural importance of caribou to Inuit; nor does it fully acknowledge the sensitivity of caribou to disturbance and habitat alteration during the calving and post-calving period.

Both science and Inuit Quajimajatuqangit stress the importance of protecting caribou calving and post-calving grounds. Cows and calves are most sensitive to disturbance and factors that influence growth rate during the calving and post-calving season. During this time, cows need uninterrupted foraging time to meet the increased energy demands associated with milk production. In the NWMB's opinion, disturbance during this sensitive period, and destruction of this important habitat should be prohibited. Furthermore, the NWMB is also concerned about the cumulative effects of development in caribou calving and post-calving grounds and how this may affect productivity and herd size.

In fall 2013, the NWMB hosted a series of workshops at the three Regional Wildlife Organizations' 2013 Annual General Meetings to assist the Regional Wildlife Organizations and Hunters and Trappers Organizations in developing lists of regional wildlife priorities for the period of 2014-2017. During these workshops Hunters and Trappers Organizations from across the territory expressed concerns about the effects of mining exploration and development on caribou calving grounds and highlighted this as a research priority.

Therefore, the NWMB recommends that the Commission reevaluate their classification for caribou calving and post-calving grounds, and that the Commission assign these areas a Protecting and Sustaining the Environment Land Use Designation which prohibits all mining exploration and development. The NWMB was informed that the Government of Nunavut Department of Environment has provided the Nunavut Planning Commission with maps outlining areas that have been identified as caribou calving and post-calving core ranges based on collar data (Figure 1). The NWMB recognizes the value of this research and urges the Nunavut Planning Commission to use these maps when identifying caribou calving and post-calving grounds in the Draft Plan.

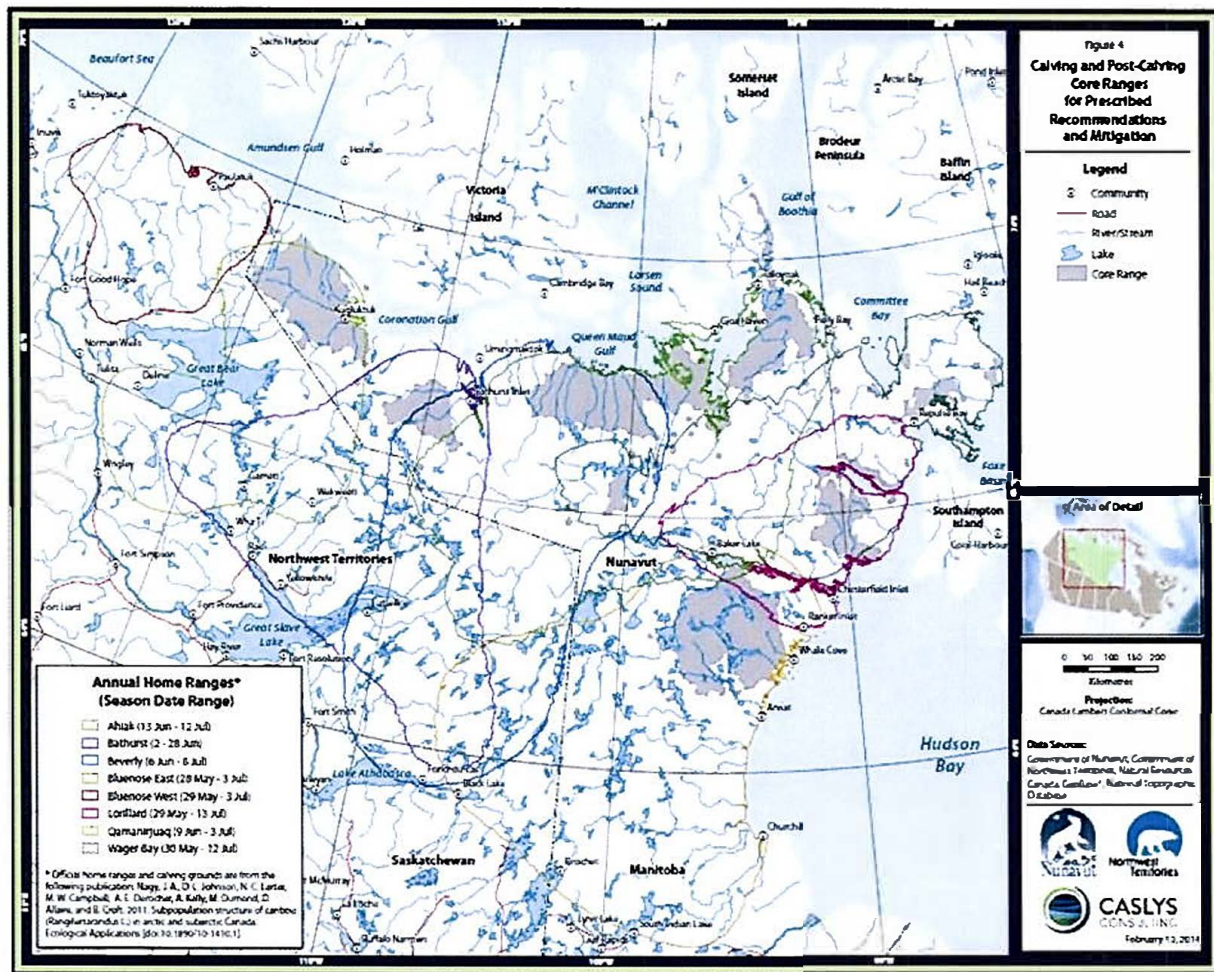


Figure 1. Caribou calving and post-calving core ranges.

Marine Designations

The Draft Plan recognizes that “Nunavut is home to a variety of wildlife species, including numerous herds of caribou, millions of migratory birds, as well as unique marine mammals and fish.”¹ However, the Draft Plan does not contain any designations aimed specifically at protecting marine wildlife species and those designations that do occur in the marine areas allow for marine infrastructure, communications and electrical cables. Within the marine areas of the Nunavut Settlement Area, Fisheries and Oceans Canada has identified Ecologically and Biologically Significant Areas. These areas include walrus haul-out sites, migration corridors for marine mammals, and the Foxe Basin Area of Interest, which was identified by Fisheries and Oceans Canada as a potential site for a Marine Protected Area. These Ecologically and Biologically Significant Areas identify key habitat for fish and marine mammals in Nunavut. It is the

¹ Page 10, Section 1.2

NWMB's view that designation of these Ecologically and Biologically Significant Areas would contribute to more effective protection of marine wildlife and fulfillment of the Draft Plan's goal of Protecting and Sustaining the Environment.

The NWMB is also concerned with the existing designations in the marine areas of the Nunavut Settlement Area. Areas such as the North Water Polynya, the Belcher Island Polynyas, and several Marine Conservation Areas are designated as PSE-3 in the Draft Plan. This designation allows for "Tourism, Recreation, Research, Marine Infrastructure, Marine Communications and Electrical Cables." These areas, a number of which are identified by Fisheries and Oceans as Ecologically and Biologically Significant Areas of "particular significance,"² are sensitive to human activity and should be designated as such. Thus, it is the NWMB's view that these areas should be designated PSE-2.

Land Use Definitions

In the Draft Plan, land use designations and recommendations list permitted and prohibited uses. However, a missing component in the Draft Plan is a complete list of what "uses" the Commission is considering. Therefore, the NWMB suggests that the Draft Plan include detailed descriptions of all "uses" considered for each designation, as the scope of many of these uses is currently unclear. For example, definitions of "research" and "recreation" would be useful in understanding the potential impacts of these uses. Also, in the current Draft Plan it is unclear if exploratory activities, such as seismic testing, would be considered "research". Finally, under certain designations prohibited uses are listed as "all other uses". Without a complete list it becomes difficult to assess what constitutes "all other uses" and how this may impact wildlife.

Summary of Recommendations

1. The Draft Plan recognize the roles and responsibilities of the NWMB as outlined in the *Nunavut Land Claims Agreement* Sections 5.2.34 (b) and (e).
2. A Protecting and Sustaining the Environment Land Use Designation, which prohibits all mining exploration and development, be assigned to areas identified as caribou calving and post-calving grounds.
3. Taking into consideration the importance of various Ecologically and Biologically Significant Areas to marine wildlife, appropriate Protecting and Sustaining the Environment Land Use designations be applied to these areas.
4. Areas containing sensitive polynyas and Marine Conservation Areas be assigned a Protecting and Sustaining the Environment Land Use designation of PSE-2, to

² Canadian Science Advisory Secretariat Science Advisory Report 2011/055, page 9, http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2011/2011_055-eng.pdf

prohibit marine infrastructure and shipping activity and minimize the impact of development on wildlife habitat.

5. The Draft Plan clearly list and define all the “land use” types considered by the Commission. In particular, the terms “recreation” and “research” be defined in the Plan, and draw a clear distinction between scientific research and exploratory activity.

Date: May 21st, 2014