



Beverly and Qamanirjuaq Caribou Management Board

10 December 2015

Hon. Carolyn Bennett
Minister of Indigenous and Northern Affairs

Hon. Hunter Tootoo
Member of Parliament for Nunavut

Nunavut Land Use Planning and Protecting Caribou Calving and Post-Calving Areas

Dear Dr. Bennett and Mr. Tootoo:

Congratulations on your election and Ministerial appointments on behalf of the Beverly and Qamanirjuaq Caribou Management Board (BQCMB), a multi-jurisdictional co-management board responsible for advising governments and communities on the conservation and management of the Beverly and Qamanirjuaq barren-ground caribou herds¹. These two herds range across portions of two territories (Nunavut and the Northwest Territories) and two provinces (Manitoba and Saskatchewan), providing a renewable resource relied on by many thousands of Indigenous people.

The BQCMB is gravely concerned about the lack of protection for important barren-ground caribou habitats such as calving and post-calving areas. Options for protecting these key caribou habitats are being eroded by continued issuance of mineral tenures and exploration permits, and are further threatened by a proposal to “grandfather” all existing mineral exploration rights through to mine development. There is also an apparent disregard of federal Caribou Protection Measures in the Draft Nunavut Land Use Plan. These and other serious land use planning issues are compounded by an impasse preventing progress in the Nunavut land use planning process. Additional information below (see Attachment) demonstrates why the BQCMB believes this situation is critical and requires urgent action.

An immediate moratorium is needed on the issuance of any new mineral tenures, mineral exploration permits and licenses, and development approvals on calving grounds and post-calving areas in Nunavut. The BQCMB supports the recommendation made to you by the Kivalliq Wildlife Board

¹ See <http://arctic-caribou.com/about/>

(attached). However, because the BQCMB believes that post-calving areas are equally important habitats for barren-ground caribou, we request that such a moratorium apply to both calving and post-calving areas.

We are encouraged by your mandate to renew the relationship between Canada and Indigenous peoples and urge you to take action to address the BQCMB's caribou protection and land use planning concerns. The current situation threatens the future of several barren-ground caribou herds and the Inuit, Dene, Cree and Metis peoples who share this invaluable resource.

For further information on these comments, and the BQCMB, please contact Executive Director Ross Thompson (rossthompson@mymts.net).

Sincerely,



Earl Evans
BQCMB Chairperson

Attachments

cc Hon. Catherine McKenna, Minister of Environment and Climate Change
Hon. James Gordon Carr, Minister of Natural Resources
Hon. Peter Taptuna, Premier, Government of Nunavut
Hon. Johnny Mike, Minister of Environment, Government of Nunavut
Stanley Adjuk, President, Kivalliq Wildlife Board
Cathy Towtongie, President, Nunavut Tunngavik Incorporated
Andrew Nakashuk, Acting Chairperson, Nunavut Planning Commission
Elizabeth Copland, Chairperson, Nunavut Impact Review Board
Ben Kovic, Chairperson, Nunavut Wildlife Management Board
Hon. J. Michael Miltenberger, Minister of Environment and Natural Resources, Government of the Northwest Territories
Hon. Thomas Nevakshonoff, Minister of Manitoba Conservation and Water Stewardship
Hon. Herb Cox, Minister of Environment, Saskatchewan

Attachment. Rationale for the BQCMB's request for a moratorium on the issuance of tenures and approvals for mineral exploration and development on caribou calving and post-calving areas in Nunavut.

The need for protection of the Beverly and Qamanirjuaq herd's calving and post-calving areas from the negative impacts of industrial land use activities has been a long-standing position of the BQCMB, and has been described most recently in the Board's current management plan for the caribou herds². Exclusion of mineral exploration and mining activities from caribou calving grounds has been recommended by the Hunters and Trappers Organizations in the Kivalliq region of Nunavut, as well as by numerous Dene and Metis organizations from the Northwest Territories, Saskatchewan and Manitoba. Communities from outside Nunavut have taken positions on caribou calving ground protection because they have traditionally depended on the caribou herds that calve in Nunavut. Their economic, cultural and spiritual well-being depends in large part on continued availability of these herds, as it does for the Inuit of Nunavut. The net economic value of the Beverly and Qamanirjuaq herds alone has been estimated at about \$20 million annually³.

Lack of Progress to Achieve Habitat Protection

Nunavut's environmental assessment and land use planning processes have not yet established a way to provide protection for caribou calving and post-calving areas. This has been clearly identified as a land use planning issue by the Nunavut Impact Review Board (NIRB) during its screening and review of project proposals on calving grounds in recent years. The Nunavut Planning Commission (NPC) has recognized that this matter requires resolution before a territory-wide land use plan can be agreed upon. It is clear that there are strongly opposing views regarding the impacts of exploration and development on caribou and key caribou habitats, and that there are numerous related and often complex issues that require further discussion. NPC has not yet informed interested parties if or when a workshop that was proposed during their technical meeting in June 2015 will be held to seek solutions for these caribou-related issues. Numerous other issues have contributed to ongoing delays in the land use planning process, and it is not known when a final land use plan for Nunavut will be finalized and approved.

Uncertainty Regarding Caribou Protection Measures

In addition, the future of Caribou Protection Measures (CPM) is not evident, as the current Draft Nunavut Land Use Plan (NLUP) does not refer to CPM. The CPM were enacted through regulations developed by the federal government in 1978 and applied as conditions of federal land use permits to protect Beverly and Qamanirjuaq caribou from disturbance associated with mineral exploration

² BQCMB 2014. Beverly and Qamanirjuaq Caribou Management Plan 2013-2022. Available at: <http://arctic-caribou.com/current-management-plan/>

³ Intergroup Consultants Ltd. 2013. Economic Valuation and Socio-Cultural Perspectives of the Estimated Harvest of the Beverly and Qamanirjuaq Caribou Herds. October 2013 revised version (original May 2008). Available at: http://arctic-caribou.com/pdf/CaribouEconomicValuationRevisedReport_20131112.pdf

activities on calving and post-calving areas and at key water crossings. More recently, agreement by project proponents to comply with CPM has been assessed through the conformity review conducted by the NPC under the Keewatin Regional Land Use Plan (KRLUP), the NIRB has often recommended that CPM be included in federal land use permits and Inuit land-use licenses, and CPM have been applied more broadly across the caribou ranges in the Kivalliq (previously Keewatin) region, although inadequate enforcement has remained an ongoing issue. The new territory-wide Nunavut Land Use Plan (NLUP) will replace regional plans such as the KRLUP when it is approved, however, so it is not clear if CPM will continue to be applied and enforced.

The BQCMB believes improvements to the CPM are required to provide an effective tool for mitigating disturbance effects of mineral exploration activities on caribou and their habitat, and modified versions of the original CPM (e.g., mobile CPM) have been investigated by other parties. However, CPM are a tool for mitigation, not for habitat protection; application of CPM does not prevent loss or damage to caribou habitat resulting from development of mines and associated infrastructure such as roads. Therefore habitat protection through exclusion of industrial land use activities from calving and post-calving areas is needed in addition to CPM and other mitigation measures.

Ongoing Permitting and Diminishing Habitat Protection Options

Throughout the many years during which the process to develop a territory-wide land use plan has been underway, issuance of mineral tenures and approvals for mineral exploration and development activities has continued, including some tenures and permits for activities on caribou calving and post-calving areas. Mineral tenures include mineral claims and leases, which are granted throughout the year, and prospecting permits, which are issued once each year. Granting tenures establishes third-party interests in areas and puts constraints on any protection that the NPC may attempt to provide for wildlife habitats, including caribou calving and post-calving areas.

Unless a new approach is taken by your government, the opportunities for protecting caribou habitat in Nunavut through land use planning will presumably decrease until the NLUP is finalized and approved. If there is no change to the status quo, granting of mineral tenures, including prospecting permits applied for in 2015 which are about to be issued on February 1st 2016, will continue in the absence of any legislative or policy direction to prevent activities from occurring in areas that are crucial habitats for caribou. In addition, project proposals on calving and post-calving areas will continue to be screened, reviewed and recommended for approval by the NIRB, and subsequently approved and permitted by Indigenous and Northern Affairs (for federal lands) and the Regional Inuit Associations (for Inuit-owned lands). Consequences will include creation of new third-party interests and additional mineral exploration and development that will further hinder the land use planning process from providing protection for caribou calving and post-calving areas.

Furthermore, if new and previously-issued mineral tenures are “grandfathered” through the NLUP as proposed by the federal government at the June 2015 NPC technical workshop, rights to build mines and related infrastructure in these crucial habitats may be guaranteed. This would occur in clear opposition to the publicly-stated wishes of the Inuit, Dene and Metis peoples who depend on the caribou herds as an invaluable source of nutritious food and a crucial means for passing on their cultural and spiritual traditions to future generations.

Summary

The BQCMB believes it is critical to the sustainability of many of Canada’s barren-ground caribou herds that no further mineral tenures or approvals to conduct mineral exploration or development activities be issued on caribou calving or post-calving areas in Nunavut until the following issues are resolved:

- ongoing uncertainty about the timeline for the Nunavut land use planning process;
- lack of agreement among partners in the Nunavut land use planning process on the need and means for protecting caribou calving and post-calving areas, and the apparent lack of a plan by NPC for making progress to address this issue;
- absence of a plan for protecting caribou calving and post-calving areas in Nunavut through a new territory-wide Nunavut Land Use Plan;
- the unknown fate of Caribou Protection Measures in a new Nunavut Land Use Plan;
- dwindling options for protecting caribou calving and post-calving areas as land use planning delays continue and industrial land use activities are approved on those key habitats; and
- confusion about the federal government’s proposal to guarantee rights to conduct mining in areas where any level of mineral tenure has been granted.