



Beverly and Qamanirjuaq Caribou Management Board

15 April 2022

Mr. Andrew Nakashuk, Chairperson
Nunavut Planning Commission
P. O. Box 1797
Iqaluit NU X0A 0H0

Via e-mail: submissions@nunavut.ca

Dear Chairperson Nakashuk:

Additional Comments on the 2021 Draft Nunavut Land Use Plan

This submission from the Beverly and Qamanirjuaq Caribou Management Board (BQCMB) provides supplementary comments regarding the 2021 Draft Nunavut Land Use Plan (DNLUP). In response to the procedural notice issued by NPC on 28 March 2022, we are providing a few additional comments about the 2021 DNLUP and Options and Recommendations (O&R) document that were not provided in our October 2021 submission, responses to several comments submitted by other parties in the last round of submissions, and notice of a few specific errors and omissions.

Detailed comments are provided in Appendix A. In summary, the BQCMB recommends that:

- The dates provided in Table 2 Caribou Seasonal Restrictions should be revised.
- Limited Use Areas/area protection for caribou calving areas, post-calving areas or key access corridors should not be removed or replaced with caribou protection and/or mitigation.
- Text excerpts from all BQCMB submissions in the final O&R document should be checked to ensure they are complete to avoid providing inaccurate or misleading information.

For clarity, we reiterate that this submission supplements our October 2021 comments, and confirm that those comments and recommendations still apply. If you have any questions about these comments, please contact BQCMB Executive Director Tina Giroux-Robillard (TGiroux@arctic-caribou.com) or BQCMB Biologist Leslie Wakelyn (wakelyn@theedge.ca).

Thank you for providing the BQCMB with the opportunity to submit this input to support development of the first territory-wide Nunavut Land Use Plan. We look forward to participating in the upcoming Kivalliq Public Hearings in both Rankin Inlet, Nunavut and Thompson, Manitoba.

Sincerely,

Earl Evans
BQCMB Chairperson

Attachment

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Attachment. BQCMB Comments on the 2021 Draft Nunavut Land Use Plan, April 2022

A. Additional Comments on the 2021 Draft Nunavut Land Use Plan (DNLUP)

The BQCMB recommends that Table 2 Caribou Seasonal Restrictions be revised based on consideration of the following comments:

- 1) The dates indicated in Table 2 (DNLUP p. 55) do not appear to include the period when caribou would be using the key access corridors prior to calving. It appears that plan requirements 2.2.1-2 (p. 17) and 2.2.2-2 (p. 18) would apply seasonal restrictions as set out in Table 2, but plan requirement 2.2.3-2 (p. 18) would not apply restrictions for key access corridors, because Table 2 indicates dates for caribou seasonal restrictions only during the calving and post-calving periods.

We suggest that the time period for application of seasonal restrictions on activities should be extended to start at an earlier date to protect pregnant caribou while they are accessing the calving grounds, as they are highly vulnerable at that time following their pre-calving/spring migration. **The BQCMB recommends that revisions be made to the dates indicated for each herd to include the period when caribou will be using the key access corridors, with dates selected on the basis of all available relevant, validated information.** This would allow plan requirement 2.2.3-2 to be applied to protect caribou as intended.

- 2) We also question whether the time periods described are adequate to provide protection to cows and calves for a sufficient period of time after calving. A well-established view is that new-born calves and cows are highly vulnerable for at least 3 weeks following birth of calves, and therefore the “calving period” for a caribou herd is commonly defined as the average peak of calving plus 3 weeks. However, the total range of dates provided in Table 2 defining time periods for only calving and post-calving (i.e., excluding use of key access corridors during the pre-calving period) appears too short.

For example, for the Qamanirjuaq herd the total range of dates is June 9 to July 3, a period of 25 days. This includes a defined post-calving period of June 23 to July 3 (11 days), meaning the defined calving (and pre-calving?) period is merely 14 days in length (June 9-22). Conversely, if a calving period of 3 weeks is used, the post-calving period provided for would be at most only 4 days long. We consider this to be inadequate, and expect it would be exacerbated by the lack of seasonal restrictions during which time pregnant cows are using key access corridors (as indicated above).

We recommend that additional revisions be made to the dates in Table 2 to include the complete pre-calving, calving and post-calving periods for each herd, with dates based on consideration of all available relevant, validated information. The May 15-July 15 dates used for the Caribou Protection Measures applied by the Keewatin Regional Land Use Plan could be considered as a starting point for developing herd specific dates.

- 3) It is unclear what dates will be used for application of caribou seasonal restrictions for herds not listed in Table 2. **We recommend that this issue be addressed based on the best information available for the herds for which information is currently missing.** Information assessed should include results of surveys, Inuit Qaujimagatunqangit (IQ) and local knowledge, and telemetry data from monitoring collared caribou where that information is available.

B. Comments on Recommendations by Parties re: Caribou Limited Use Areas

Replacement of Area Protection for Caribou

In their October 2021 submissions, several parties have suggested that rather than using Limited Use designations in the NLUP to protect caribou and caribou habitat, sufficient protection for caribou would be provided by applying:

- mitigation already required through Nunavut’s regulatory process,
- some form of caribou protection (via protection measures, seasonal restrictions, or Conditional Use designations), or
- merely providing notification about valued components (with no land use restrictions) as information for project proponents and land use regulators.

These recommendations are included, for example, in submissions from Agnico Eagle (NPC File #21-023E; p. 3 and 21), Baffinland (NPC File #21-036E, p. 2 and 5-6), Blue Star Gold Corp. (NPC File #21-057E, p. 4), DeBeers Group (NPC File #21-032E, p. 12), Kivalliq Inuit Association (NPC File #21-013E, pp. 13-14, 19-20, 22, 23, 25), North Arrow Minerals (NPC File #21-017E, p. 2), and NWT and Nunavut Chamber of Mines (NPC File #21-020E, p. 6).

As described by Nunavut Tunngavik Inc. (NTI) and the three Regional Inuit Associations (RIAs) in their January 2017 submission to NPC (NPC File # 16-073E), the 3 main tools currently available to avoid or reduce negative impacts of land use activities on caribou and/or caribou habitat are: mitigation, caribou protection, and area protection (App. A pp. 48-50). These are all “protection measures” in the sense that they are intended to avoid or reduce negative effects of human activities on wildlife. But they do not have the same intent or achieve the same results, so are not interchangeable. *Mitigation* is commonly applied through the environmental assessment process to reduce the predicted negative effects of land use activities that cannot be avoided, and is a project-specific approach. The goal of *caribou protection*, applied both through protection measures and seasonal restrictions, is to reduce the negative effects of land use on caribou by managing those activities to reduce exposure of animals to the disturbance. *Area protection* is applied “to preserve the availability, accessibility and functional integrity of the crucial wildlife habitat” (NTI/RIA NPC File # 16-073E p. 49), and is applied by land use planning specifically through year-round prohibition of activities that are incompatible with preserving the integrity of those habitats. Therefore, while combinations of the 3 types of tools may be applied, protection for wildlife habitat can only be achieved with inclusion of area protection.

The BQCMB submits that area protection for caribou through land use planning is necessary because mitigation and caribou protection alone would not provide protection to caribou and their habitat that is sufficient for maintaining healthy caribou populations for current and future generations of Nunavummiut and other Indigenous peoples who share the herds. Even if the risk of disturbance impacts to caribou from all land use activities was successfully reduced to zero, if there is not sufficient high quality calving and post-calving habitat available to the herds, their limited productivity levels will not maintain population growth, particularly not growth that will provide for sustainable harvest.

Caribou Protection/Caribou Conservation Measures

As summarized by NTI/RIAs in their 2017 submission (NPC File # 16-073E; App. A p. 49), there have been a number of different versions of caribou protection measures developed over the last 45 years. During the last 20 years there have been efforts made to develop measures that are labeled as “mobile” because they are designed to move with the caribou. Previous submissions to NPC from the Kivalliq Inuit Association (KIA; NPC File #16-027E, 16-052E; #21-013E) have described more complex mobile measures, known as Mobile Caribou Conservation Measures (MCCM), under development for reducing impacts of land use activities on caribou. Most recently (March 2022), the Government of the Northwest Territories (GNWT) Department of

Environment and Natural Resources provided a submission on the 2021 DNLUP (NPC File # 21-056E) that included two documents described as “a preliminary draft framework for testing, applying, and evaluating Mobile Caribou Conservation Measures (MCCM)”. Both of the documents were labeled as preliminary draft reports, dated February 2022, and intended for application specifically for the Bathurst caribou herd.

This demonstrates that both the KIA and the GNWT are currently in the testing phase for MCCMs. No Nunavut organization has an established, standardized, proven method or rigorous testing or evaluation process in place for broad application of mobile protection/conservation measures. **Therefore the BQCMB maintains that a method has not yet been developed to the extent to which it could be considered a tool for protecting caribou for regional or territory-wide application in the Nunavut land use plan.**

If and when a caribou protection/conservation measures tool is proven to be effective and feasible to implement on a broad scale, it may have a significant role to play in reducing disturbance to many or most caribou herds in Nunavut and elsewhere. This may continue to be best suited for application through Nunavut’s regulatory process on a project-by-project basis, or it could be considered for future iterations of the NLUP. However, regardless of whether any type of mobile measures with proven effectiveness can be used to protect caribou from disturbance, application of some other method will still be required to protect the most important caribou habitats in Nunavut. The main option currently available is area protection applied through the NLUP. Therefore **the BQCMB continues to support use of Limited Use area designations in the NLUP to provide year-round prohibitions on certain land use activities in calving areas, post-calving areas, and key access corridors because of the negative effects of those activities on caribou and caribou habitat.**

C. 2021 Options and Recommendations (O&R) Document - Errors and Omissions

We appreciate the enormous amount of work conducted by NPC to document comments submitted by all parties on previous draft versions of the NLUP. We were glad to see many of our previous comments reflected in the O&R document. However, there were a couple of errors that require correction that we would like to bring to your attention.

At several places in the O&R document an excerpt from the February 2014 BQCMB submission (NPC File #12-138M) is incomplete. Following is recommendation #3 from that submission (pp. 3-4) in full, with text that has been omitted from your excerpts **bolded**:

*NPC should protect all “recently used calving and post-calving areas” defined as all areas known to be used by caribou within the last 20 years based on: a) tracking caribou (collared **cows**) by **telemetry b) results of calving ground surveys and c) IQ and local knowledge with obvious outliers removed.** Delineation of these areas should be redefined based on all available information every 5 years.*

The excerpts used in the O&R document require correction to ensure that it is clear that our recommendation was *not* that calving and post-calving areas should be defined based exclusively on locations of caribou monitored using telemetry. The four problematic locations we have identified are:

2.2.3 General Comments on Defining Geographic Boundaries for Caribou Ranges – p. 41

2.2.8 Caribou Calving Areas - p. 73

2.2.9 Caribou Post-calving Areas - pp. 80 and 86

In each of these cases the excerpt of our recommendation is incomplete. In addition, note that the inclusion of the incomplete quotation on p. 80 (2nd column) appears out of place. **We request that the revised O & R document correct these errors.**

In addition, please note that this previous BQCMB recommendation could also be broadened slightly to recognize that in recent years the GNWT has placed collars on both caribou cows and bulls from several herds

(including the Beverly herd) and they conduct population surveys of some herds during the post-calving period. **Our adjusted recommendation, taking that information into account, is that NPC should define calving and post-calving areas based on available IQ and local knowledge and the results of all relevant caribou surveys and telemetry data from the previous 20 years.**