

Settlement Area (NLCA Section 5.2.33). There are a number of provisions in the *Nunavut Land Claims Agreement* that give the NWMB authority to play an active role in the management and protection of Nunavut's habitat². For example, the NWMB has co-jurisdictional decision-making authority to approve (i) the establishment of Conservation Areas related to management and protection of wildlife and wildlife habitat (S. 5.2.34 (a)), and (ii) plans for the management and protection of particular wildlife habitats (S. 5.2.34(c)). In addition, the NWMB shall in its discretion identify wildlife management zones and areas of high biological productivity and provide recommendations to the Nunavut Planning Commission with respect to planning in those areas (S. 5.2.34 (b)).

3. The NWMB's position regarding the protection of caribou and caribou habitat from human land-use activities

As previously stated to co-management partners and the public, the NWMB recognizes the need for economic development in the territory and is not against industrial development; however, there must be an appropriate balance between development and protection of wildlife and wildlife habitat. The NWMB's clear mandate under Article 5 of the *Nunavut Land Claims Agreement* is to secure - to the extent reasonably possible - the conservation of wildlife; thus, the NWMB is committed to helping ensure a responsible balance between development and the protection of caribou and sensitive caribou habitat in Nunavut.

Accordingly, after considering the available information from both Inuit Qaujimagatuqangit and western science, the NWMB concluded that the level of protection currently described in the 2014 draft Plan is inadequate. The level of protection for caribou calving grounds in the current draft Plan does not fully recognize the social, cultural and economic importance of caribou to Inuit, or the need for systems of wildlife and land management that provide optimum protection to the renewable resource economy³. In addition, it does not fully incorporate Inuit Qaujimagatuqangit and advice from Inuit elders on what activities are acceptable in a caribou calving ground. Therefore, the NWMB has recommended that the draft Plan prohibit industrial activities within identified caribou calving and post-calving grounds, including key access corridors leading to and from the calving grounds, regardless of the area's mineral potential. Through the Commission's public hearing regarding the draft Plan, several other parties have made similar recommendations, including Nunavut's three Regional Wildlife Organizations and various Hunters and Trappers Organizations.

4. Government of Canada's recommendation regarding "existing rights" in the draft Nunavut Land Use Plan

The Government of Canada has recommended that the Commission include provisions in the draft Plan that will allow current rights holders and project operators to advance

² See Nunavut Land Claims Agreement Section 5.2.34

³ Nunavut Land Claims Agreement Section 5.1.2(f)

their interests through the development life-cycle. Specifically, the Government of Canada would like the Plan to accommodate the development of all pre-existing tenures, including prospectors' permits and mining claims, as well as significant modifications to existing projects that were approved before the adoption of the Plan so as to allow existing rights to advance to the other stages of their life-cycle. If this recommendation is accepted, current and future subsurface rights holders with tenure in areas identified as caribou calving grounds prior to the approval of the Plan would be able to continue mineral exploration and development through exemptions from the Plan.

5. NWMB Recommendation and Rationale

This important matter was discussed at the NWMB's December In-Camera Meeting (IC 007-2015) on December 2nd, 2015, where the NWMB passed the following resolution:

RESOLVED that the NWMB write to the Minister of Indigenous and Northern Affairs Canada requesting a temporary moratorium on issuing claims, licenses and permits in identified caribou calving grounds in Nunavut, allowing time for co-management partners to determine appropriate protection for caribou.

Although the Nunavut Planning Commission is making progress with the development of a *Nunavut Land Use Plan*, including hosting a technical meeting in March 2016 to specifically address issues pertaining to caribou and caribou habitat, there is still considerable disagreement among hearing parties on how to resolve these outstanding issues. Taking into consideration (i) the information from both Inuit Qaujimajatuqangit and western science on the negative impacts of human land-use activities on calving caribou and habitat; (ii) the existing rights provisions recommended by the Government of Canada; (iii) Section 11.8.1 of the NLCA which states that "land use plans shall be developed and implemented in a manner consistent with Articles 5 and 7", and; (iv) the potential staking rush that the exemption of existing rights may cause, the NWMB is strongly recommending that the Government of Canada initiate a temporary moratorium on issuing prospecting permits, mineral claims, mineral leases and land use permits in caribou calving grounds. The NWMB believes that a temporary moratorium of this kind is necessary while the Plan is under development. This will give co-management partners time to reach consensus on what constitutes adequate protection for caribou and caribou habitat without further complicating the issue, or undermining that level of protection, by approving projects that may later be exempt from the approved *Nunavut Land Use Plan*.

Should you or your officials have any questions or concerns with respect to the NWMB's recommendation, or any other aspect of this letter, please do not hesitate to contact the NWMB.

Sincerely,



Daniel Shewchuk

A/Chairperson of the
Nunavut Wildlife Management Board

c.c. Honourable Johnny Mike, Minister of Environment, Government of Nunavut;
Cathy Towntongie, President, Nunavut Tunngavik Incorporated;
Simon Qingnaqtuq, Chairperson, Kitikmeot Regional Wildlife Board;
Stanley Adjuk, Chairperson, Kivalliq Wildlife Board;
James Qillaq; Chairperson, Qikiqtaaluk Wildlife Board;
Drikus Gissing, Director of Wildlife, Government of Nunavut Department of Environment;
Paul Irngaut, Director of Wildlife, Nunavut Tunngavik Incorporated;
Jason Mikki, Qikiqtaaluk Regional Coordinator, Qikiqtaaluk Wildlife Board;
Jackie Price, Coordinator, Research and Planning, Qikiqtaaluk Wildlife Board;
Ema Qaggutaq, Regional Coordinator, Kitikmeot Regional Wildlife Board;
Leah Muckpah, Regional Coordinator, Kivalliq Wildlife Board; and
Earl Evans, Chairperson, Beverly and Qamanirjuaq Caribou Management Board.

