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*RESOLVED that, in accordance with Nunavut Land Claims Agreement (NLCA) Sections 5.2.26, 5.6.19 and 5.6.20, the NWMB promptly make necessary preparations for phase two of the Baffin Island caribou hearing; that is, arrange to hold an in-person public hearing with respect to the basic needs level for Baffin Island caribou, to be preceded by appropriate Government-led pre-hearing consultations concerning (i) the significance of the basic needs level under the terms of the NLCA, and (ii) the steps required to determine that basic needs level.*

*RESOLVED that – following the NWMB’s mandatory review, made pursuant to Section 5.3.24 of the Nunavut Land Claims Agreement, of the Government of Nunavut Minister of Environment’s interim decision to establish a moratorium on harvesting Baffin Island caribou – the NWMB conclude that the Minister’s interim decision was reasonable in the circumstances.*

## **2. MAIN POINTS OF AGREEMENT AND DISAGREEMENT AMONG HEARING PARTIES<sup>2</sup>**

In making the above decisions, the NWMB noted several points of agreement and disagreement among parties at the public hearing, which were as follows:

### **2.1 Main points of agreement among hearing parties**

1. Caribou population numbers follow natural cycles and, in the current cycle, population numbers are very low.
2. Multiple factors impact the size of the caribou population, including: available habitat and food; predator species; harvesting by humans; and the effects of mining activity.
3. With respect to the determination of an effective management response, all parties need to be flexible in considering appropriate management actions – such as the potential establishment of a total allowable harvest, and/or the establishment of appropriate non-quota limitations (closed seasons, closed areas, male harvests only, etc.).
4. Whatever limitations are put in place, they must be fair, restrict Inuit harvesting only to the extent necessary to effect a valid conservation purpose, and be applied equally to all those affected.

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<sup>2</sup> Please note that these points of consensus and disagreement were compiled during the course of the oral hearing process. However, they were not presented to the hearing parties, either during or following the hearing, for their consideration and response. Accordingly, the NWMB relied upon written and oral hearing submissions to support these points.

5. Management authorities must provide clear directions going forward.
6. Mandatory sampling is necessary in the present circumstances.
7. Following the conclusion of the current *Nunavut Land Claims Agreement* Article 5 decision-making process, there is an urgent need to complete the development of a Baffin Island caribou management plan, supported by affected harvesters.

## **2.2 Main points of disagreement among hearing parties**

1. The parties disagreed regarding how effective and thorough the 2014 aerial and ground surveys were.
2. The parties disagreed whether the Baffin Island caribou population is still decreasing, is now stable, or is starting to increase.
3. The parties disagreed whether the current moratorium should be maintained or a limited total allowable harvest be permitted.
4. If a total allowable harvest were to be established, the parties disagreed as to what that total allowable harvest should be.
5. If the moratorium were to be continued or replaced by a small total allowable harvest, the parties disagreed whether Inuit should receive compensation as a result.
6. If mandatory sampling were to be required, the parties disagreed whether Inuit should receive compensation for carrying out the necessary sampling activities.
7. The parties disagreed regarding how significant a factor wolf predation is with respect to the low number of caribou on Baffin Island. In addition, the parties disagreed whether there should be a bounty placed on wolves.

## **3. RATIONALE FOR THE NWMB'S DECISIONS**

### **3.1 The NWMB's total allowable harvest and non-quota limitation decision**

During its decision-making, the NWMB carefully considered the best available scientific information and Inuit Qaujimajatuqangit. The Board noted that many hearing parties raised concerns with the effectiveness of the 2014 aerial and ground surveys, stating that some areas and groups may have been missed. In addition, several hearing parties indicated that Baffin Island caribou are at a low point in their population cycle, and that caribou will or have begun to rebound.

Many parties to the public hearing felt that a limited harvest would not pose a risk to the population; the Qikiqtaaluk Wildlife Board, Nunavut Tunngavik Incorporated, all Baffin Hunters and Trappers Organizations, and Qaujimaniliit supported a limited caribou harvest. A total allowable harvest of 250 falls within the range of harvest limits proposed

by parties at the hearing. The NWMB's decision allows Baffin Island communities to continue to harvest for subsistence on a limited basis, enabling Inuit to continue to pass on traditional knowledge of caribou harvesting to younger generations. The Board feels that its decision regarding a total allowable harvest for Baffin Island caribou balances the results of the 2014 surveys with Inuit Qaujimagatuqangit provided at its public hearing.

In its decision-making, the NWMB also considered the impacts of harvesting female caribou and calves. Many hearing parties supported non-quota limitations including protection for cows and calves; the Government of Nunavut-Department of Environment's Proposal for Decision emphasized the importance of preserving cows in ensuring population growth. Therefore, given that a males-only harvest was supported by several hearing parties, the NWMB felt that this option would be most appropriate given the uncertainty with respect to the trend of the Baffin Island caribou population.

### **3.2 The NWMB's basic needs level decision**

The NWMB's in-person public hearing was held to consider harvest management of Baffin Island caribou and, therefore, hearing parties did not discuss the establishment of a basic needs level in depth. In its submission to the NWMB's public hearing and a follow-up submission provided on April 15<sup>th</sup> 2015, Nunavut Tunngavik Incorporated suggested that the Board adjourn the basic needs level portion of the hearing until the fall of 2015 to provide an opportunity for co-management partners and affected parties to consider and openly discuss the establishment of a basic needs level. This position was presented at the NWMB's public hearing and hearing parties raised no objections.

In its decision-making, the Board considered the exceptional circumstances highlighted in Nunavut Tunngavik Incorporated's April 15<sup>th</sup> 2015 submission and felt that postponing a decision on the basic needs level for Baffin Island caribou was most appropriate. This decision will allow co-management partners to ensure that those affected by the establishment of a basic needs level will be fully consulted on the information to be used in striking a basic needs level and the consequences that establishment of a basic needs level will have for Inuit harvesting. In addition, given the modest total allowable harvest established in the Board's previous decision and the substantial Inuit harvest levels reported in the Nunavut Wildlife Harvest Study, the Board is certain that the total allowable harvest will be much lower than the basic needs level, once established. Therefore, the entirety of the total allowable harvest should be reserved for Inuit at this time.

NWMB staff have begun discussions with co-management partners to determine the best method for consulting with affected Inuit on the establishment of a basic needs level and will continue to work diligently to ensure a timely NWMB decision on the basic needs level for Baffin Island caribou. As indicated in the NWMB's resolution, once consultations are complete, the Board will promptly hold a second in-person public hearing to consider the basic needs level for Baffin Island caribou.

### 3.3 The NWMB's review of the Minister's interim decision

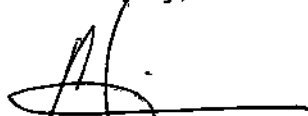
Pursuant to Section 5.3.24 of the *Nunavut Land Claims Agreement*, the NWMB is required to conduct a full review of a Minister's interim decision as soon as practicable thereafter. The Board did so during its June 10<sup>th</sup> 2015 decision-making and agreed that your interim decision to establish a moratorium on harvesting Baffin Island caribou was reasonable in the circumstances. In coming to this decision, the NWMB took into account the agreement among the NWMB, Nunavut Tunngavik Incorporated and the Government of Nunavut-Department of Environment<sup>3</sup> that a significant conservation concern was apparent. Given the very low population estimate provided by the results of the 2014 surveys, the imminent winter harvest, and the time required to complete the NWMB's in-person public hearing and subsequent *Nunavut Land Claims Agreement* Article 5 decision-making process, the NWMB felt that your interim decision was reasonable in the context of the Agreement's criteria and principles.

## 4. Conclusion

As per Section 5.3.8 of the *Nunavut Land Claims Agreement*, the NWMB is hereby forwarding its decisions concerning the harvest management of Baffin Island caribou to you for your review and consideration. The NWMB recognizes the continuing impression that the Baffin Island caribou moratorium leaves on Inuit subsistence and culture and looks forward to your prompt reply so that the *Nunavut Land Claims Agreement* Article 5 decision-making process can reach completion in a timely manner.

Should you or your officials have any questions or concerns regarding the contents of this letter, please do not hesitate to contact the NWMB.

Sincerely,



Ben Kovic  
Chairperson of the  
Nunavut Wildlife Management Board

Enclosures (1)

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<sup>3</sup> See October 28<sup>th</sup> 2014 correspondence from Nunavut Tunngavik Incorporated to the NWMB, December 10<sup>th</sup> 2014 correspondence from the NWMB to the Government of Nunavut Minister of Environment, and the Government of Nunavut-Department of Environment's Proposal for Decision presented at the NWMB's quarterly Regular Meeting on December 3<sup>rd</sup> 2014.



*RESOLVED that, in accordance with the Nunavut Land Claims Agreement (NLCA) Sections 5.2.26, 5.6.19 and 5.6.20, the NWMB promptly make necessary preparations for phase two of the Baffin Island caribou hearing; that is, arrange to hold an in-person public hearing with respect to the basic needs level for Baffin Island caribou, to be preceded by appropriate Government-led pre-hearing consultations concerning (i) the significance of the basic needs level under the terms of the NLCA, and (ii) the steps required to determine that basic needs level.*

I appreciate the clarification in your August 19, 2015 letter that this resolution was not intended to direct that the Government of Nunavut lead consultations on the significance of the basic needs level and the steps required to determine that basic needs level.

However, I respectfully disagree with the NWMB's assertion in its July 2, 2015 and August 19, 2015 correspondence that it is an obligation of the GN to conduct consultations on the basic needs level. Under the terms of the NLCA, it is the NWMB that has the responsibility to strike a basic needs level where a total allowable harvest has been established, following a very structured process described by the NLCA.

The NWMB has stated that the GN must inform the public of the "significance of basic needs levels under the terms of the NLCA". I disagree that it is the responsibility of the GN to inform the public of the importance or significance of particular land claims provisions.

Rather than respond to these concerns in detail at this time, I have directed Department of Environment officials to contact your officials to engage in discussions on these issues so that we can move towards agreement on a path forward.

The NWMB's July 2, 2015 letter contained the final resolution:

*RESOLVED that – following the NWMB's mandatory review, made pursuant to Section 5.3.24 of the Nunavut Land Claims Agreement, of the Government of Nunavut Minister of Environment decision to establish a moratorium on harvesting Baffin Island caribou – the NWMB conclude that the Ministers decision was reasonable in the circumstances.*

I thank the NWMB for its recognition that the management action taken by the Government of Nunavut in December 2014 for the conservation of Baffin Island caribou was reasonable.

I appreciate the NWMB's ongoing efforts to ensure the recovery of Baffin Island caribou. I note that this fall we are conducting a composition survey of Baffin Island caribou that will provide us with updated information on the female/calf ratio, which is an indicator of overall productivity. The results of this survey are expected to be available by late fall, and be available to all parties to review in considering whether the TAH of 250 male caribou is appropriate, and if other management actions may be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Mike '96". The signature is fluid and cursive, with a large initial "J" and a stylized "M".

Hon. Johnny Mike  
Minister of Environment





