



September 26, 2025

NTI Submission for NWMB Regular Meeting 003-2025, Agenda item 4: Establishing the Basic Needs Level for Southampton Island Caribou

Overview of NTI's Position

Nunavut Tunngavik Inc. (NTI) maintains its request that the Nunavut Wildlife Management Board (NWMB or Board) postpone the Southampton Island Caribou Basic Needs Level (BNL) decision in order to resume the hearing for this matter that it started in December 2013 and adjourned in 2014. NTI originally made this request in its April 7, 2025 letter to the NWMB and in its follow up letter of July 23, 2025.

NTI understands and respects the NWMB's intent to resume making BNL decisions for terrestrial wildlife and fish. However, there is no urgency to the Southampton Island Caribou BNL decision, particularly since the 2019 Total Allowable Harvest remains in place to address conservation concerns. In contrast, making the BNL decision now will have two detrimental consequences:

1. Proceeding to a major, precedent-setting decision about how to calculate BNLs under Article 5 of the *Nunavut Agreement* without first completing the public hearing that the NWMB paused in 2014 will breach procedural fairness.
2. It will preclude the opportunity for NTI and the Governments of Nunavut and Canada to seek to reach consensus on a proposal, for the NWMB's consideration, on how to interpret and implement Article 5 BNL provisions, and instead put this matter on track for potential litigation, which entails costs, uncertainty and delays.

Procedural Fairness

As the NWMB's July 18, 2024 "Basic Needs Level Policy Memo" (2024 BNL Memo) notes, the question of how to calculate BNLs has been contentious. The Board's own views on the matter have changed over time. Its previous position, prior to the 2024 BNL Memo, was that all Inuit commercial harvesting is included in the BNL, regardless of where wildlife is sold: the NWMB adopted that interpretation of Article 5 in its 2009 BNL decision for Kinngait char (which the Minister of the Department of Fisheries and Oceans then rejected).

While the 2024 BNL Memo communicates the NWMB's changed position on how to calculate BNLs, it does not explain why it has adopted the Steering Committee's interpretation of what the BNL includes. In NTI's view, this lack of transparency on such a major issue as well as the failure to complete the paused Southampton Island Caribou BNL in order to inform the NWMB's decision, breach the principles of procedural fairness.

The NWMB has also not yet indicated how it intends to address the widely acknowledged shortcoming of the Nunavut Wildlife Harvest Study (Harvest Study), namely its inaccurate capture of Inuit harvest levels, even with respect to the Steering Committee's own direction of which harvests were to be recorded for the purpose of informing BNL calculations. NTI urges the NWMB to invite submissions from all parties on how to establish BNLs that implement Inuit priority access to wildlife, a fundamental right that is critical to Inuit food security, economic security, and well-being in a way that fully achieves the Article 5 objectives in light of the limitations of the Harvest Study.

Creating the Opportunity for Consensus-Building

The NWMB should create space and opportunity for NTI and the Governments of Nunavut and Canada to develop a shared proposal for how to interpret and implement the Article 5 BNL provisions, for the NWMB's consideration. A consensual outcome on this critical aspect of wildlife management would be far preferable to litigation and the costs, uncertainty, and delays associated with resolving the matter in court.

Litigation is not inevitable. Although it is true that NTI, the Government of Nunavut, and the Government of Canada have not yet reached a shared understanding of how to calculate the BNL since the NWMB suspended the Southampton Island Caribou hearing in early 2014, this is not because wildlife co-management partners hit an impasse. Rather, the issue went dormant after the NWMB suspended the Southampton Island Caribou hearing and the parties turned their attention to other wildlife management issues. Over a decade has passed, and it is worth creating a final opportunity for consensus-seeking, especially in light of changed circumstances and the progress that has been made in Crown-Inuit reconciliation. For example:

- NTI, the Government of Nunavut, and the Department of Fisheries and Oceans have established a collaborative and productive working relationship co-developing Nunavut Fishery Regulations, and they are building consensus on challenging Article 5 implementation issues. This gives the parties a strong foundation upon which to explore their respective views, interests and concerns in relation to the BNL methodology. NTI is keen for dialogue, as confirmed in our correspondence to the NWMB and in informal outreach to the Government of Nunavut and the Department of Fisheries and Oceans (DFO). DFO may also be willing to explore this issue, and hopefully the Government of Nunavut is as well, at least once its election period is over.
- In 2023, the federal Crown adopted *Canada's Collaborative Modern Treaty Implementation Policy*, which provides new guidance for interpreting and implementing modern treaties. Sections 3.8, 3.9, 3.10, 4.1 and 4.3(d) of that Policy in particular suggest Canada may be willing to return to the BNL issue and

seek to reach consensus with Inuit on how to interpret and implement those Article 5 provisions.

The NWMB would only need to defer its BNL decision for a relatively brief time period to provide the opportunity for consensus building on this significant Article 5 issue. NTI would welcome the NWMB setting a time limit within the coming months on the window for consensus-seeking to keep this matter on track for decision.

NTI's Requests

In summary, NTI requests that the NWMB:

1. postpone its BNL decision for Southampton Island Caribou;
2. resume the hearing on this matter that it paused in 2014 to hear submissions from its wildlife co-management partners; and
3. encourage NTI, the Government of Nunavut and the Government of Canada to seek to build consensus on a proposal for interpreting and applying the Article 5 BNL provisions in advance of the hearing.

Respectfully submitted by:



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