



Honourable Terry French
Minister of Environment and Conservation
Government of Newfoundland and Labrador
P.O. Box 8700
St. John's, NL, Canada
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July 4, 2012

Re: George River Caribou Total Allowable Harvest

Dear Minister French,

Through the last several years the Torngat Wildlife and Plants Co-Management Board has been fully engaged with all aspects of caribou management, from research, to policy recommendations, to stewardship and education. Throughout this process we have consulted regularly with the Nunatsiavut Government, Nunatsiavut Beneficiaries, the Government of Newfoundland and Labrador, academic researchers, and stakeholders across the range in Labrador and Quebec.

On November 21st, 2011 the Board recommended that the Government of Newfoundland and Labrador establish a Total Allowable Harvest for George River Caribou and on March 12th 2012, the Board received a letter indicating that the Government of Newfoundland and Labrador is contemplating a Total Allowable Harvest for 2012-13. The Board has considered the information prepared and presented by the Wildlife Division, and we have attached our recommended Total Allowable Harvest.

Sincerely,

Bruce A. Roberts
Chairperson
Torngat Wildlife and Plants Co-Management Board



George River Caribou Harvest Management

Recommendation:

- Establish a Total Allowable Harvest of 350 caribou for the George River Herd.

Background:

- The Torngat Wildlife and Plants Co-Management Board ('TWPCB' or 'the Board') participated in an aerial survey of the George River Caribou (GRC) herd in July 2010.
- Subsequently, on 18 October 2010, the Board submitted a series of immediate recommendations intended to reduce harvest pressure, and two intermediate recommendations intended to increase research capacity and facilitate inter-jurisdictional decision-making.
- All of the recommendations were accepted, and all were subsequently implemented, except the last. As recently as 28 January, 2011, in a letter to the Nunatsiavut Minister of Lands and Natural Resources, the Minister of Environment and Conservation confirmed his commitment to "expedite the formation of a multi-jurisdictional body and facilitate the initiation of a co-management process". We understand that this commitment has since been varied considerably, and the Minister is now supporting a "provincial advisory committee" (February 7 response).
- On 21 November 2011, the Board submitted a primary recommendation – to establish a Total Allowable Harvest (TAH) of 2000 – and several secondary recommendations, including the establishment of a co-management board, development of a comprehensive harvest management strategy, and development of a stewardship and education strategy.
- On 25 November 2011, the Nunatsiavut Minister of Lands and Natural Resources recommended that a TAH be established, and recognized the need to identify an Inuit Domestic Harvest Level.
- In a response to the Board dated 13 February, 2012, the Minister of Environment and Conservation rejected the recommended TAH, but shortened the hunting season for license holders from eight months to three months. The Minister also requested that the Board further assess the need for a TAH for 2012-13. As a part of that assessment, the Board met with Departmental Officials on 17 April 2012, in Happy Valley – Goose Bay.
- This recommendation focuses on George River caribou, but the Board is equally concerned with the Torngat Mountains caribou herd, and will be following up separately in the near future.

Recommendation: Total Allowable Harvest of 350

- First and foremost, the Board recognizes that the GRC herd has been in steep decline since at least the mid 1990's. For the purposes of this recommendation, we do not consider the cause of the decline, and we accept without prejudice the biological information presented by the Wildlife Division: the population is 35,000¹, hunting is additive, and current harvest levels are unsustainable. We recognize several sources of uncertainty, and several fundamental assumptions, but in keeping with the Precautionary Principle (Part 12.2.1 of the Labrador Inuit Land Claims Agreement) our recommended actions are based on the best available evidence. We do, however, recommend that the best available evidence (including a discussion of survey and modeling methodologies) be publicly released in the form of a written report as soon as practicable.
- In 2011 the Wildlife Division modeled and presented two harvest scenarios – a harvest of 2,500 and a harvest of 0. An accompanying table illustrated the annual percent difference between these two scenarios. At the request of the TWPCB, the Wildlife Division has modeled a third scenario to illustrate the relative impact of a harvest of 350 (see Figure 1 and Table 1).
- If hunting is additive to natural mortality, than a declining population cannot be sustainably hunted, and the GRC have therefore been unsustainably hunted since at least the mid 1990's. (Although hunting may be more likely to compensate for natural mortality when the population is relatively high). But even when populations are very low and declining, the added impact of hunting trends to 0 as hunting pressure decreases. This point is simple and intuitive, but it legitimizes our recommended TAH of 350. The relative impact of a very small harvest will be negligible, and thus the added ecological benefit of reducing beyond this point will also be negligible. We submit that a TAH of 350 constitutes a 'very small' harvest.
- The recommended TAH of 350 will equate to 1% of the population, which is projected to be 35,000 in the fall of 2012.
- Inuit rights to harvest wildlife at all times of the year, throughout the settlement area, can only be restricted through Inuit laws, restrictions on seasons imposed for purposes of conservation, or federal laws on firearms control (Part 12.3.1). The Inuit right to harvest to the full extent of their non-commercial need can only be limited through a total allowable harvest (Part 12.3.2).

¹ The population model presented by the Wildlife Division on 17 April 2012, predicts a population of approximately 35,000 in the fall of 2012.

Figure 1: Projected Additive Impact of Three Harvest Scenarios

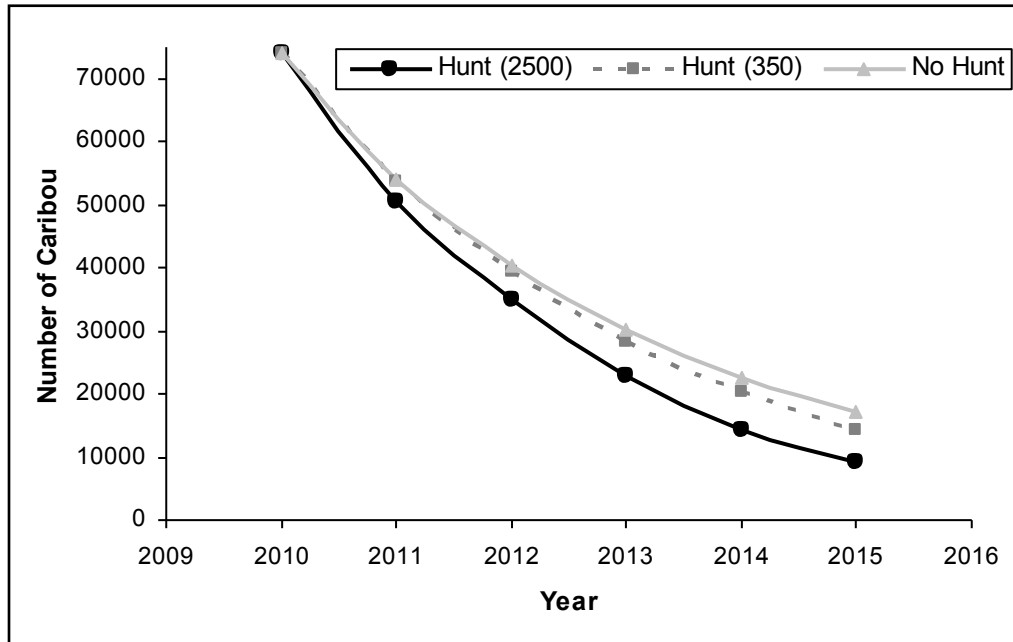


Figure 2: Percent Difference of Three Harvest Scenarios

Year	Percent Difference (No hunt/2500 hunt)	Percent Difference (No Hunt/350 hunt)
2011	6%	1%
2012	14%	3%
2013	24%	6%
2014	36%	10%
2015	47%	16%

Alternatives:

No Additional Restrictions (Harvest ~ 2,500)

- Given the severity of the decline, and the social-economic importance of caribou to people across Labrador and Quebec, it must be our shared goal to slow the decline and enable recovery. In the near-term, this can only be accomplished by reducing harvest pressure. The Precautionary Principle, which is foundational to Chapter 12 of the Labrador Inuit Land Claims Agreement, demands action when there is a threat of serious or irreversible harm. We submit that harvest rates under the current regulatory regime constitute a threat of serious or irreversible harm.

- The Labrador Inuit Land Claims Agreement prioritizes two principles in decision-making that directly affects wildlife in the Labrador Inuit Settlement Area (Part 12.2.1), each of which is defined in Part 12.1.1 and reproduced here for ease of reference. The principle of sustainable utilization is embedded in the principle of conservation, and both are implicit throughout Chapter 12.

“Conservation” means the management of Wildlife, Plants and Habitat, including the management of human activities in relation to them, to foster Sustainable Utilization and maintenance of natural populations, biodiversity and ecological processes

“Precautionary Approach” means that, if there are threats of serious or irreversible damage to Wildlife or Plants, measures to prevent the reduction or loss of the Wildlife or Plants should not be postponed for lack of full scientific certainty

No Harvest

- Complicating the foregoing analysis, the concept of sustainable utilization is embedded in the principle of conservation, and must therefore be considered as a principle itself.

“Sustainable Utilization” means the use and management of Wildlife, Plants and Habitat in a manner that does not impair their natural viability in order that the needs of the present may be met without compromising the ability of future generations to meet their needs

In the context of caribou populations, which are highly variable and likely cyclic, we integrate the three principles defined in the Labrador Inuit Land Claims Agreement into a single management goal – to identify a harvest level which does not impair natural viability, and variability, that the needs of the present may be met without compromising the ability of future generations to meet their needs. This goal will not be achieved – our recommended TAH of 350 will fail to meet present needs. But the needs of the present may be partially met without compromising the ability of future generations to meet their own.

- Any harvest restrictions will have to be weighed against the likelihood of compliance, and the ability/willingness to enforce compliance. In the context of Aboriginal rights – recognized or asserted - compliance will be a challenge without buy-in from those affected. Community-supported modest restrictions will be more effective than unsupported severe restrictions: better to have total compliance with moderate restrictions than moderate compliance with total restrictions.
- The case of bowhead whale hunting in the Canadian arctic provides an interesting parallel in considering a ‘no harvest’ scenario. Inuit hunted bowheads sustainably for 1000-1500 years and then unsustainably by European and American commercial whalers for several centuries, ending in 1915. Inuit continued to hunt bowheads intermittently to around 1980, when the Government of Canada formally protected them. Beginning around 1990 Inuit began to advocate for a small subsistence hunt, which resumed in 1991 in the Western Canadian Arctic and 1994



in the Eastern Canadian Arctic. The effects of this hunt are considered *ecologically* negligible, and the Canadian bowhead population has been increasing. (COSEWIC 2009; COSEWIC 2005; NWMB, 2000; Mitchell and Reeves, 1986; DFO 1980).

- If there is no harvest, there is no harvest information. Harvesting provides important ecological information, and provides tangible benefits in the form of intergenerational knowledge sharing, and less tangible benefits in the form of social and cultural connectivity and continuity. It is important that traditional knowledge, skills, and values be maintained and reinforced through a small subsistence hunt.

Again, bowhead provides a parallel:

“The bowhead whale was very important to the ancestors of today’s Inuit. They were very knowledgeable about it. Nowadays, they do not pay any particular attention to the bowhead. This lack of interest and attention is attributed to the fact that Inuit have not hunted the bowhead whale for a long time. As a result, many Inuit fear that people now possess less-detailed ecological and behavioural knowledge about the bowhead, and that eventually there could be an overall diminution or loss of knowledge about the species” (NWMB, 2000; 55).

Key Considerations

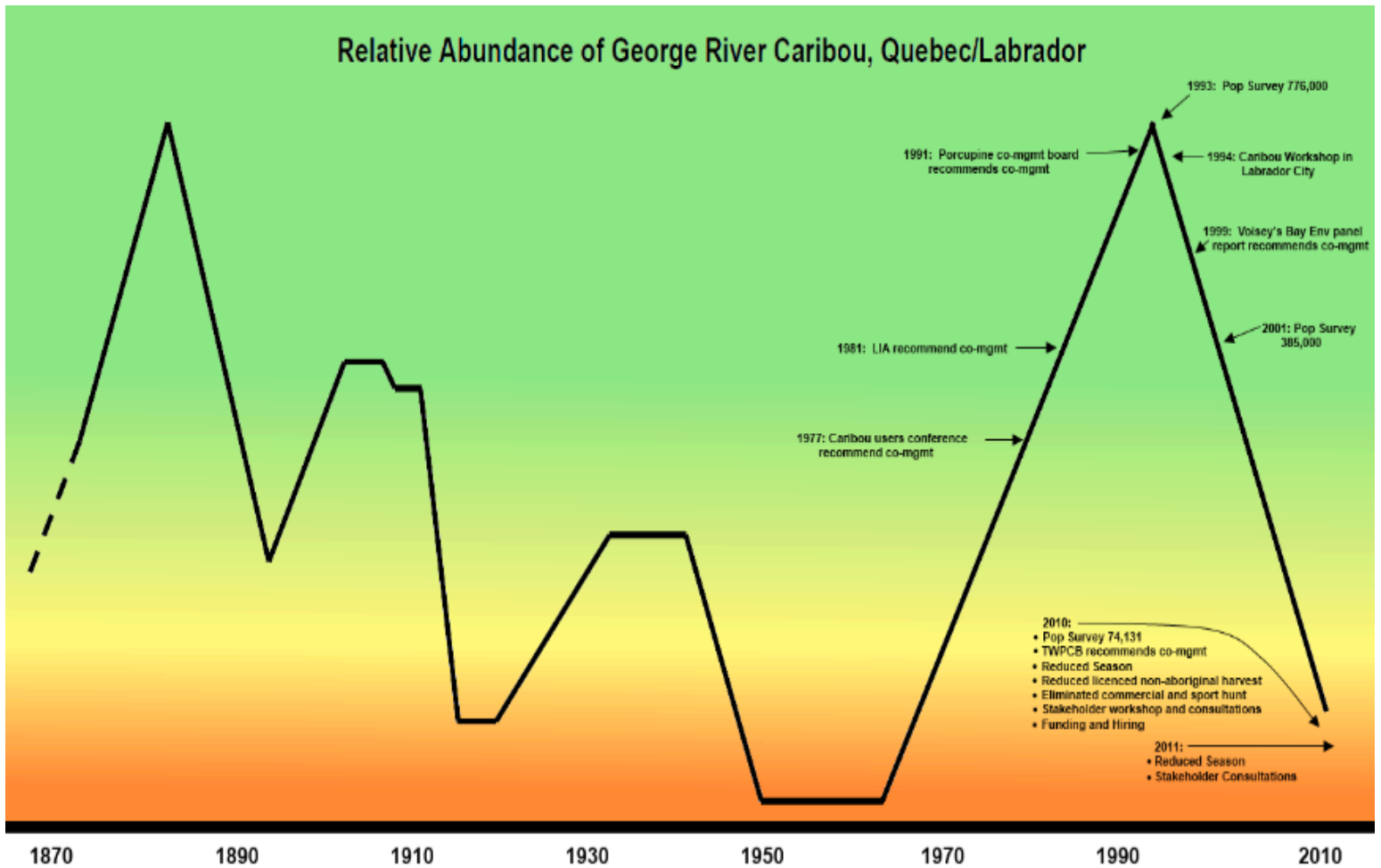
- Access to fish and wildlife resources in Canada has been prioritized by the Supreme Court in *R. v. Sparrow* (1990). The Sparrow decision has become a landmark in Canadian Aboriginal-State relations, in that it establishes the primacy of Aboriginal rights over non-Aboriginal and commercial privileges. Although the Sparrow Test allows for an infringement on Aboriginal rights to achieve a legitimate legislative objective (which might include conservation), the infringement must be as minimal as possible to achieve the desired result. The negotiation of the Labrador Inuit Land Claims Agreement was concomitant with the Sparrow decision, and the two are consistent (see Part 12.5.3). This is not a legal analysis, nor have we sought legal opinion, but we do hope to draw attention to two points. First, decisions which have been made (or which were not made) have not reflected the priority of access established by the Sparrow decision and since reflected in Land Claims Agreements and management plans across Canada. We attach Appendix A as a social-ecological timeline linking ecological knowledge with management recommendations and action, and Appendix B, which prioritizes access in relation to GRC population dynamics. We hope that together these can serve as discussion-aids in analyzing the last management cycle (Appendix A), and planning for the next one (Appendix B). Second, the Sparrow decision allows for infringement of Aboriginal rights only to the extent necessary to accomplish a specified legislative objective (in this case, conservation). We have argued that a TAH of 350 is the maximum extent of legitimate infringement, and the effect of restricting beyond this will be negligible and therefore unnecessary.



Workshops and Consultations:

- The Board participated in stakeholder workshops hosted by the Wildlife Division in November of 2010 and June of 2011 – upon request, the Board prepared and submitted recommendations respecting the structure and function of a co-management board on 8 July, 2011.
- The Board partnered with the Nunatsiavut Government and the Department of Environment and Conservation to conduct community consultations throughout Nunatsiavut and Upper Lake Melville in December of 2010 and November of 2011.
- At the request of the Department of Environment and Conservation, the Board met with Departmental Officials on 17 April, 2012, to discuss the potential for a TAH.
- The Board is working with the Hunting, Fishing Trapping Coordinating Committee, the Nunatsiavut Government, and the Government of Quebec, to host a workshop involving all GRC stakeholders. The theme of the workshop is “Shared Concern; Shared Solutions” and it is scheduled for September, 2012.
- The Chair of the TWPCB and members of the Torngat Secretariat staff met with the Nunatsiavut Minister of Land and Natural Resources and staff on June 25, 2012, to discuss this recommendation.
- The TWPCB attended the George River Caribou Advisory Committee meeting in Happy Valley – Goose Bay on June 27, 2012, and presented the decision-support tools appended here.

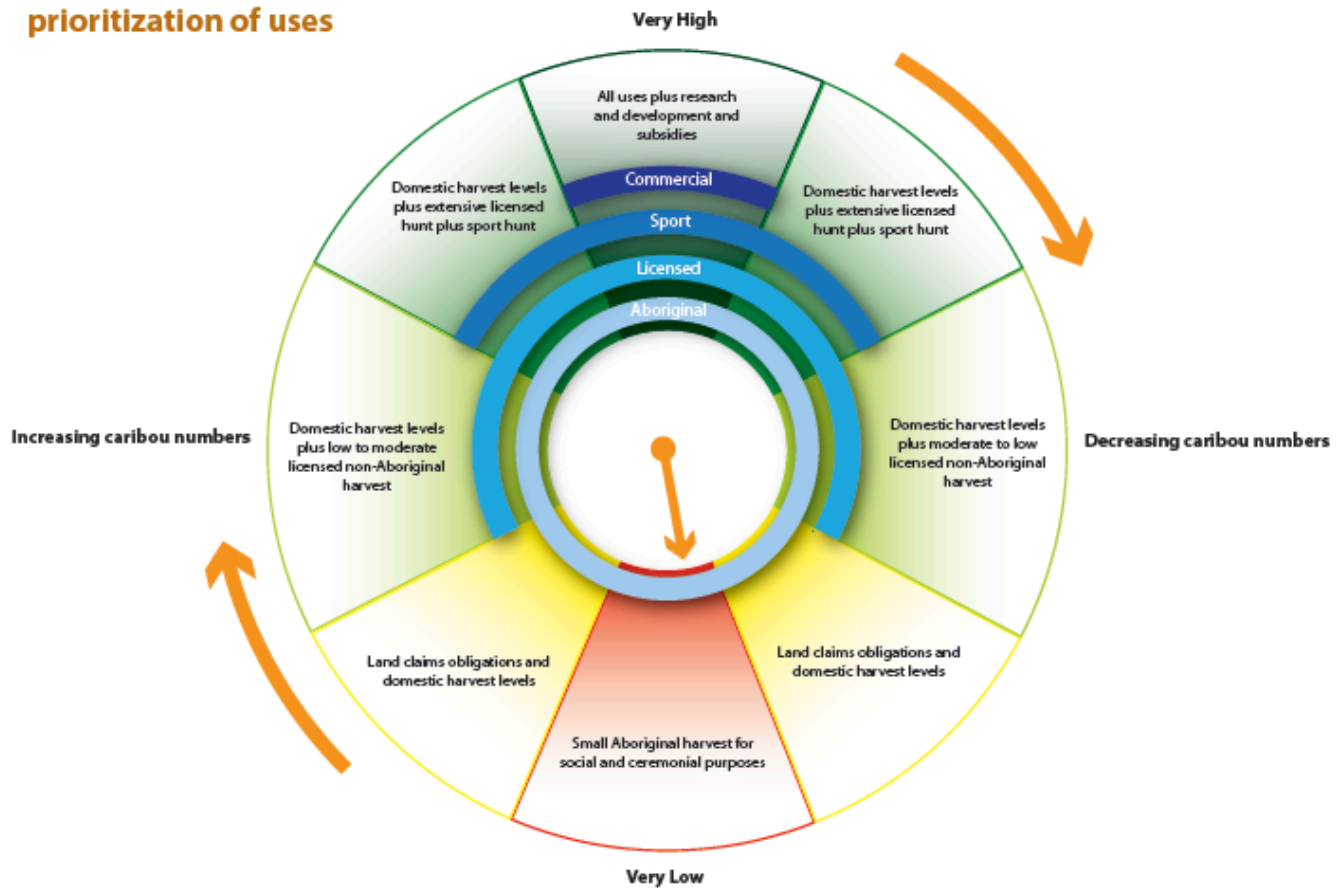
**APPENDIX A: GEORGE RIVER CARIBOU RELATIVE ABUNDANCE AND
MANAGEMENT RECOMMENDATIONS AND ACTIONS**



(Adapted from Bergerud *et al.* 2008, "The Return of Caribou to Ungava")

APPENDIX B: HERD SIZE DYNAMICS AND PRIORITIZATION OF USES

Herd size dynamics and prioritization of uses





References:

COSEWIC. 2009. COSEWIC assessment and update status report on the Bowhead Whale *Balaena mysticetus*, Bering-Chukchi-Beaufort population and Eastern Canada-West Greenland population, in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 49 pp. (www.sararegistry.gc.ca/status/status_e.cfm).

COSEWIC. 2005. COSEWIC assessment and update status report on the Bowhead Whale *Balaena mysticetus* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. viii + 51 pp. (www.sararegistry.gc.ca/status/status_e.cfm).

Department of Fisheries and Oceans. 1980. COSEWIC status report on the Bowhead Whale *Balaenamysticetus* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. 34 pp.

Mitchell, E. and R.R. Reeves. 1986. Update COSEWIC status report on the Bowhead Whale *Balaena mysticetus*, Beaufort Sea/Arctic Ocean population, in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. 71 pp.

NWMB. 2000. Final report of the Inuit Bowhead Knowledge Study, Nunavut, Canada. Iqaluit, Nunavut: Nunavut Wildlife Management Board. 90 p.

Supreme Court of Canada, R. v. Sparrow, [1990] 1 S.C.R. 1075.