



for a living planet

WWF-Canada

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Dear Ms. Simon,

On behalf of the WWF-Canada, we are pleased to provide you with our first submission to the Shared Arctic Leadership Model. We hope this will be of value to you as you prepare your interim report to the Minister of Indigenous and Northern Affairs Canada, The Honorable Carolyn Bennett.

WWF-Canada is a science-based, solutions-oriented, collaborative organization working to secure a future in which ecosystems are healthy and species thrive. Our programs focus on the areas of fresh water, oceans and the Arctic.

WWF-Canada's interest in the Arctic stems from having the opportunity to "get it right" in an environment that is less developed, where people still engage in a sustainable and symbiotic relationship with animals and the land. It is important that our conservation efforts help safeguard these relationships and that, where possible, conservation efforts support social and economic development for northern communities.

Our submission covers a number of topics that we believe are relevant to a sustainable Arctic, with healthy communities living in a healthy environment. We have paid particular attention to the U.S.-Canada Joint Statement on Climate, Energy, and Arctic Leadership of Prime Minister Justin Trudeau and U.S. President Barack Obama.

Our submission covers renewable energy, marine protection areas, shipping, the needed reform of oil and gas management, as well as specific matters relating to the protection of caribou in Nunavut.

Our submission is not intended to be comprehensive. Rather, it is our hope to inform specific topics that arose when we met in Iqaluit on Sept. 12, 2016 in Iqaluit.

We thank you for the opportunity to provide our thoughts on these topics, and we look forward to providing additional submissions as you prepare your final report in 2017.

Regards,

Paul Crowley
Vice Arctic, WWF-Canada

Arctic Renewable Energy

Background

WWF-Canada's Arctic program is demonstrating that habitat-friendly renewable energy from wind and solar is possible and can contribute to sustainability in northern Canadian communities, and to a cleaner Arctic environment.

Diesel fuel is the primary energy source for Arctic indigenous communities in Canada. This dependency has high logistic and financial costs, negatively impacts the environment and also hinders the self-sufficiency of northern communities. In March 2016, through the U.S.-Canada Joint Statement on Climate, Energy, and Arctic Leadership, both Prime Minister Trudeau and President Obama highlighted the desire and commitment of both nations to, "with partners, develop and share a plan and timeline for deploying innovative renewable energy and efficiency alternatives to diesel and advance community climate change adaptation."

In a step toward achieving the goal set forth by both nations, WWF-Canada convened an Arctic Renewable Energy Summit in partnership with Indigenous and Northern Affairs Canada (INAC), the Government of Nunavut and Qulliq Energy Corporation in September 2016. The Summit, which took place in Iqaluit, brought together Canada's leading northern remote communities' renewable energy researchers, utilities, senior federal and territorial government officials, and representatives from Nunavut communities.

At the Summit, the Waterloo Institute of Sustainable Energy released the results of a feasibility study commissioned by WWF-Canada for five Nunavut communities. The feasibility study concluded that communities such as Arviat, Sanikiluaq, Rankin Inlet, Baker Lake and Iqaluit have significant potential to reduce diesel consumption through renewable energy, while saving money. For instance, in Arviat close to 60 per cent renewable energy penetration will result in a cost reduction of approximately \$2.5 million over 10 years (approximately 10 per cent savings, in terms of overall costs) and almost 40 per cent reduction in diesel use. In Sanikiluaq, wind and solar energy could provide 50 per cent of the community's energy needs and lead to a 35 per cent reduction in diesel use, resulting in a projection of close to \$2 million in savings over 10 years (taking into account the cost of maintenance, transportation and installation of new renewable energy technologies).

The Summit also acted as a platform for describing existing Arctic renewable energy successes, with examples from communities in Alaska and Russia. Specifically, the Summit drew key insights from Alaska and their success in deploying community-scale renewable energy systems via the creation of a Renewable Energy Grant Fund. Since the fund was created in 2008 by the Alaskan Legislature, \$259 million USD was given to 287 qualifying projects. In 2015, 54 projects displaced an estimated 22 million gallons of diesel fuel worth \$61 million USD. The amount of displaced diesel is anticipated to increase to 30 million gallons in 2016 as new projects are completed.¹

¹ Renewable Energy Atlas of Alaska, Alaska Energy Authority. April 2016.

According to Natural Resources Canada, the diesel generation capacity in Indigenous remote Arctic communities (Nunavut, Northwest Territories, Yukon, Nunavik and Nunatsiavut) is approximately 160 megawatts. Therefore, in order to replace 40 per cent of diesel consumption in indigenous remote Arctic communities and assuming two per cent year-over growth in demand, approximately 84 megawatts of existing diesel generation needs to be replaced by renewables. Renewable energy experts agree that the average cost of developing a one megawatt wind-solar-diesel hybrid system in a remote Arctic community is approximately \$10 million CAD.

Recommendations

The Government of Canada should fix a concrete goal of a minimum of 40 per cent for the reduction of diesel consumption for the production of electricity in indigenous remote communities in the Canadian Arctic by 2030.

Based on the Alaskan experience, WWF-Canada recommends the Government of Canada create a Canadian Arctic Renewable Energy Fund (AREF) of \$840 million CAD over 14 years, or \$60 million CAD per year. Such a fund will enable a 40 per cent reduction in diesel consumption from the electricity generation sector in 117 Arctic indigenous communities by 2030.

The Arctic Renewable Energy Fund should support:

- Reconnaissance and feasibility studies*
- Design and construction of projects covering a wide range of technologies, including most significantly high penetration wind-solar-battery integration*
- Funding (grants, loans and loan guarantees) for capital expenditures of wind-solar-battery integration up to 50 per cent of the existing load.*
- Funding for human and local capacity building. Training local people to ensure newly deployed renewable energy systems are maintained and remain operational is crucial. Providing funded training opportunities will enhance direct benefits to communities through the creation of local employment opportunities.*

The AREF fund will enable investment into renewable and clean energy which will not only help northern remote communities mitigate climate change, but also save millions of dollars, money which can be redirected toward other economic development opportunities.

Marine Protected Areas

Background

One of the goals of WWF-Canada's oceans work is to support and even surpass Canada's commitment to protect five per cent of Canada's marine areas by 2017, and 10 per cent by 2020. We advocate for MPAs in all three oceans.

The health of Canada's marine coastal ecosystems continues to decline due to an ever-increasing range of threats. Protecting and conserving biodiversity in the Arctic marine environment is an important priority due to the role of Arctic waters in moderating the global climate, contributing to overall marine biodiversity, as well as providing food security, income and cultural identity for Arctic peoples and communities. Preserving the heritage of the Canadian Arctic is not only vital for the wellbeing of communities but also a singular Canadian responsibility to the planet.

Just 1.1 per cent of Canada's marine territory (62,452 km²) is currently protected. Three federal departments have 12 proposed areas for protection: Fisheries and Oceans Canada has eight Areas of Interest (AOIs), Parks Canada has three proposed national marine conservation areas (NMCAs), and Environment Canada has one proposed marine national wildlife area (mNWA). If all proposed areas were designated (an additional 107,115 km²), Canada would reach approximately three per cent protection. Therefore, it is vital that current work, such as the establishment of the NMCA for Lancaster Sound, is finalized and new areas are identified, studied, and moved through the designation process. Time and resources will be significant challenges.

Canada's Commitment to Marine Protected Areas (MPAs)

In the U.S.-Canada Joint Statement on Climate, Energy, and Arctic Leadership, both leaders pledged to create a pan-Arctic marine protection area network, including at least 10 per cent of Arctic waters, and committed to "substantially surpass these national goals in the coming years." WWF-Canada is pleased that the Government of Canada has committed to these goals. However, 10 per cent is only a waypoint toward effective ocean protection and governance. The 2014 World Parks Congress called for a target of 30 per cent protection. In a rapidly changing Arctic environment, such a target may not even be enough to ensure a resilient Arctic marine ecosystem.

Recommendation

The Government of Canada should fix a minimum goal of 30 per cent marine protection in the Canadian Arctic by 2030.

Identification of sites for protection

WWF-Canada is pleased with the community-driven MPA site identification process to which the Government of Canada has committed. The Arctic has several ecologically and biologically significant areas (EBSAs) that have been broadly identified, mapped and described, and we recommend these should be the starting point for consultations with northern communities concerning the identification of new MPAs in areas which are significant for their wellbeing.

Recommendation

The Government of Canada should use Ecologically and Biologically Significant Areas as the basis for community consultations for MPA site identification.

However, because almost all Arctic communities are coastal and depend on the bounty of the ocean for their wellbeing, EBSAs that are not immediately adjacent to communities, or that are outside of land claim areas, must also be captured. Therefore, these EBSAs can help the Government of Canada's marine conservation plan to establish new MPAs in offshore areas that are remote from communities. Lastly, EBSAs will help in identifying areas under pressure from human activities.

Recommendation

The Government of Canada, in addition to community-driven identification of MPA sites, also consider Ecologically and Biologically Significant Areas that are not adjacent to communities or outside of land claim areas for MPAs.

The Government of Canada is proposing the creation of Large Pristine Area MPAs as a means to ensure resiliency. The Arctic is a prime region for Large Pristine Area MPAs. Since sea ice and the ice edge is critical habitat, WWF-Canada suggests that Fisheries and Oceans Canada propose marine protection of a significant portion of the Last Ice Area – the area within and to the north of the Arctic Archipelago where summer sea ice is projected to remain the longest. This resilient sea ice area is projected to be particularly important to ice-dependent and ice-associated life including narwhals, polar bears, and walrus. These species are part of the ecological, cultural and economic life of the region. This area is important not just regionally and nationally, but also globally as a refugia for ice-associated life, a function highlighted in the Arctic Council's Arctic Biodiversity Assessment.²

Recommendation

The Government of Canada consider a significant portion of the Last Ice Area for a Large Pristine Area MPA.

² "To maximize the resilience of Arctic ecosystems, effective protection of large representative tracts of habitat, including hotspots for unique Arctic biodiversity and northern 'refugia' areas, is of paramount importance. This includes Arctic islands together with mountainous areas and multi-year sea-ice refuges, where unique marine Arctic biodiversity has the best chance of surviving climate change."
<http://www.arcticbiodiversity.is/index.php/the-report/synthesis/suggested-conservation-and-research-priorities>

Pikialasorsuaq is a Greenlandic word describing upwelling. It is used to describe the North Water Polynya in Baffin Bay and is shared by Nunavut and Greenland. This region of Baffin Bay is one of the most biologically productive in the Arctic and is vital to the productivity in Lancaster Sound, Baffin Bay, Melville Bay and farther south into Davis Strait. Currently, the Inuit Circumpolar Council-led *Pikialasorsuaq* Commission is considering the future of this area, and is expected to report findings by the end of this calendar year.

Recommendation

*WWF-Canada recommends that the Government of Canada consider the *Pikialasorsuaq* for a Large Pristine Area MPA.*

Impact and Benefit Agreements/Community Benefits

For conservation to succeed in the long term in a region where poverty is endemic, it must provide community benefits. The four Inuit land claims agreements vary considerably, including around requirements to negotiate Impact Benefit Agreements for the creation of MPAs. The creation of MPAs is an opportunity to secure much-needed community, economic and financial benefits. A moral case can be made for negotiating these agreements to the highest standard for all four regions.

Recommendation

WWF-Canada recommends that the Government of Canada create an equitable and transparent financing formula, as well as high minimum standards for community management, for Impact Benefit Agreements across all four Inuit land claim regions. It is critical that negotiations on these agreements start immediately in parallel to the identification process.

Minimum Standards

The current process to create marine protected areas is convoluted and needs to be modernized to reflect 21st century standards and realities. It's not enough to reach protection targets – we need to ensure that protection is meaningful. For instance, MPAs should exclude all oil and gas development (including seismic exploration), as well as subsea mining. If Canada's marine protected areas don't have high standards, it's doubtful we will succeed in protecting biodiversity and helping to sustain the fisheries that Canadians depend on, now and into the future. Minimum standards are key to developing co-operative management frameworks with Indigenous communities. Setting standards before sites are selected can provide certainty to stakeholders, including Indigenous communities, and speed up the consultation process. The International Union for the Conservation of Nature (IUCN) categories can help provide a common and credible standard for MPAs. To ensure that our MPAs have high standards, they also need management plans and be properly funded to allow for active management, monitoring and enforcement.

Recommendation

WWF-Canada recommends the Government of Canada develop minimum standards for MPAs based on the International Union for Conservation of Nature categories.

Mineral and Energy Resource Assessments

A major impediment to the timely creation of MPAs is the application of the Mineral and Energy Resource Assessment policy, which was created in 1995. This policy asks government to assess mineral and energy potential ahead of a marine protection proposal. WWF-Canada submits that this discretionary policy be updated to better reflect current priorities and ensure its application does not unduly delay Canada achieving its marine protection objectives. In the interest of accelerating the creation of MPAs, the Government of Canada should free up areas under license and help retire those leases. We suggest that when parties agree, a Mineral and Energy Resource Assessment (MERA) need not be undertaken and the government should consider conditions under which MERA might not be warranted. In the 2014 *Evaluation of Parks Canada's National Park Establishment and Expansion Sub-Program* report³, WWF-Canada also expressed the desire to reevaluate this policy. This report stated that "[s]ome stakeholders and agency staff indicated that the Terms of Reference of the MERA, dating from 1995, would benefit from a review to reflect the full environmental[, cultural] and economic value of national parks and with new approaches to bring more collaboration, transparency and accountability."

Recommendation

WWF-Canada recommends that the Government of Canada update the Mineral and Energy Assessment Policy.

Oil and Gas

Marine protected areas should exclude all oil and gas development, including seismic activity. Officials in Fisheries and Oceans Canada have stated they will not entertain MPAs where there may be existing oil and gas rights. WWF-Canada wants to challenge that approach – particularly where those rights were granted in ecologically and biologically significant areas. The 30-year-old Canada Petroleum Resources Act gave petroleum priority over all other uses. Economic and social priorities such as fishing, tourism, food security, conservation, and community and cultural values were not given due consideration. Exploration rights were awarded without environmental assessment. Canada needs an Arctic oil and gas management regime that places other economic values and social priorities on an equal footing with petroleum. In Norway, by contrast, the first step in deciding if an area can be opened for petroleum bids is a regional environmental assessment. This assessment enables informed decisions, and places other uses on a more equal footing with petroleum development.

Furthermore, exploration rights for limited terms provide a reasonable form of tenure for petroleum prospecting. Licences that grant indefinite rights – as is currently the practice with significant discovery

³ <http://www.pc.gc.ca/docs/pc/rpts/rve-par/88/Evaluation-of-NP-Establishment-Final-June-EN.pdf>

licences under the CPRA – are completely unreasonable. These rights can interfere with alternate uses indefinitely – even if they are never exercised.

Recommendation

WWF-Canada recommends that the Government of Canada does not exclude consideration of MPAs in areas where oil and gas rights may have been previously awarded.

Inuit Marine Protected Areas⁴

WWF-Canada is pleased that there will soon be an opportunity to modernize the Oceans Act. In so doing, the Government of Canada should consider including a new approach to marine protection – Inuit marine protected areas. When a clear expression of desire to protect a marine area is demonstrated by an Inuit community, a rapid process to deploy that protection should ensue, driven by the community itself, and assisted by the Government of Canada. Inuit conservation management, allowing for continued harvesting and community uses, would be paramount. Monitoring, research and enforcement would provide Inuit employment. The Pikiyasorsuaq could be a prime candidate for an IMPA.

A similar concept of jointly managed national parks evolved in Australia in the early 1990s.⁵ Here, Aboriginal people can choose the level of government involvement, the level of visitor access (if any) and the extent of development to meet their needs. In return for government planning and management assistance, Aboriginal owners of protected areas are required to develop a plan of management and to make a commitment to manage their land with the goal of conserving its biodiversity values.

Recommendation

WWF-Canada recommends that the Government of Canada, in renewing its Crown-Inuit relationship, propose the Inuit marine protected areas as a new category of MPA.

⁴ On the topic of Indigenous Protected Areas, WWF also provided a “Joint Submission to Minister’s Special Representative for Arctic Leadership.

Indigenous and Northern Affairs Canada,” dated October 16, 2016

⁵ Bauman, T. and Smyth, D. 2007. Indigenous Partnerships in Protected Area Management in Australia: Tree case studies. Australian Institute of Aboriginal and Torres Strait Islander Studies.

http://aiatsis.gov.au/sites/default/files/products/monograph_research_outputs/indigenous-partnerships-in-protected-area-management.pdf

Arctic Shipping

Background

Sea ice is disappearing quickly in the Arctic, and summers may soon be ice-free. This has led to new opportunities for development in the polar regions which will likely result in increased ship traffic in the Arctic. If not properly managed, these new stresses could put northern ecosystems and cultures at risk. WWF-Canada is working to better understand potential environmental and social impacts of shipping on the Arctic environment and communities through oil spill trajectory modelling, researching trends in Arctic shipping, and engaging the shipping industry in discussions on best practices.

Winter shipping is also being contemplated where it was unthinkable in the past. Remoteness adds to the already difficult task of cleaning up spills. Ice exacerbates spill response times and makes restoring a spoiled ecosystem an impossible task. Underwater noise, oil spills, introduction of invasive species, air emissions including black carbon and GHGs, and disturbance of ice habitat are all part of the complex risk profile which shipping brings to the Arctic.

As the number of voyages rises so do the risks to marine habitats, which many northern and Indigenous people rely on for food and cultural practices. In Canada, for example, it's estimated that 50 per cent of the daily diet of northerners comes from the ocean.

The impacts from shipping can be severe and the risks real to both marine habitat and food security in the North. Risks are equally high if essential goods and development don't reach people in the North. The challenge is to get the rules right to prevent accidents and provide opportunity for Arctic peoples.

The U.S.-Canada Joint Statement on Climate, Energy, and Arctic Leadership⁶ includes commitments toward low impact shipping and addressing the risks posed by heavy fuel oil:

"Low impact shipping corridors: We will work together to establish consistent policies for ships operating in the region, taking into account important ecological and cultural areas, vessel traffic patterns, Indigenous and Northern Arctic input, and increased cooperation of our Coast Guards. The two countries will also work together to share assessments of navigation data quality and capacities for supporting safe and low-impact shipping in the Beaufort Sea. In addition, we will determine with Arctic partners how best to address the risks posed by heavy fuel oil use and black carbon emissions from Arctic shipping."

Low Impact Corridors

In Canada, the Coast Guard, Hydrographic Service and Transport Canada have begun to research and take stock of shipping in the Arctic. Coined the Corridors Initiative (CI), it was originally meant to focus limited resources on the most-trafficked areas, with emphases on search and rescue, surveying efforts, hydrographic charting, and aids to navigation into specific marine transportation corridors. As the

⁶ <http://pm.gc.ca/eng/news/2016/03/10/us-canada-joint-statement-climate-energy-and-arctic-leadership>

agencies engaged more broadly on the initiative, it became clear that there was an interest from stakeholders for the CI to take a broader scope and include measures to enhance protection for environmentally and culturally sensitive areas such as designating places of refuge, routing away from significant marine areas, and building awareness of culturally important hunting areas for Inuit.

To reach the goal of full implementation of the CI framework, cross-departmental co-ordination is essential. As the regulator for marine transportation in Canada, Transport Canada (with co-lead support from the Coast Guard and the Hydrographic Service) should take lead responsibility for the strategy and accountability for ensuring all-agency support for the initiative. Regional Inuit associations should be co-leads with Transport Canada, the Coast Guard and Hydrographic Services to ensure land claims, Indigenous knowledge and benefit agreements are respected and integrated into the governance framework.

Recommendation

WWF-Canada recommends that the Government of Canada develop a low-impact shipping corridor framework which 1) is operationalized in the highest risk areas first; 2) includes options for local vessel and environmental monitoring; 3) permits shipping to occur in areas where there is:

- Adequate spill response and a community spill response plan in place*
- Predictable search and rescue response times*
- Sufficient hydrographic data*
- An absence of known marine mammal feeding and calving areas; and guidance in place on speed limits to avoid conflicts with marine mammals*
- Precedence given to hunting activities and subsistence use, which could result in temporarily suspending ship transits*
- A ban on the use of polluting ship fuels like heavy fuel oil*
- A requirement for cruise ship support vessels*
- Zero discharge of untreated sewage and untreated grey water*
- Reporting into NORDREG every four hours*
- Zero discharge of ballast water or Arctic fit-for-purpose guidelines in place to implement the Ballast Water Convention*
- Guidance in place for reducing impact on the habitat of ice*
- Guidance in place on operational underwater noise reduction*

As the Corridors Initiative becomes operationalized in key high-risk areas, the development of supporting best practices and regulations should be a priority:

Recommendations

WWF-Canada recommends an Arctic-wide elimination of heavy fuel oil owing to the environmental risks of potential spills (there are no effective ways to clean-up an HFO spill in Arctic waters) as well as its dirty emissions (black carbon is a climate forcer).

To phase in the elimination of HFO, WWF-Canada recommends first a carriage and use ban in areas important to Inuit harvest and areas with known concentrations of marine mammals.

WWF-Canada recommends that the Government of Canada lead international initiatives to eliminate the use of HFO in the global Arctic.

WWF-Canada recommends that the Government of Canada collaborate with Regional Inuit Associations to develop a Mariner's Guide for three shipping gateways in the Arctic: Beaufort Sea, Lancaster Sound and the Hudson Strait; expanding over time to include the entire Arctic and full Northwest Passage. Each guide would have three phases:

Phase 1: Visual species identification chart and maps of important marine mammal areas for the bridge of all ships, with community contact information

Phase 2: Voyage planning guide to determine low impact routing and mitigation measures

Phase 3: Electronic aids such as vector charts (critical habitats in a downloadable format for navigation) and tablet application for crew to report marine mammal sightings and provide real-time data

WWF-Canada recommends that the Government of Canada standardize the definitions and regulations for grey water in Canadian waters north and south of 60 degrees latitude, regulate grey water to the same discharge standards as sewage, harmonize the Canadian and Alaskan discharge regime to ensure common environmental protection standards, and establish effective inspection and enforcement systems, by introducing a monitoring and enforcement regime similar to that of Alaska regulation 33CFR159 Subpart E.

WWF-Canada recommends that the Government of Canada ensure best practices for reducing impact on the habitat of ice by developing guidelines and regulations.

Arctic Oil and Gas

Background

Interest in developing offshore oil and gas resources in the Arctic has grown in recent years as the Arctic warms and the ocean is increasingly accessible. WWF-Canada works to ensure that any Arctic oil and gas development happens in the safest way possible, and consults with key government and indigenous organizations to create the right conditions for responsible industrial practice.

The management of Arctic oil and gas has not substantially changed since the 1980s. There is a pressing need to modernize Canada's Arctic oil and gas management to ensure it upholds 21st-century world-class environmental standards. For example, current management allows for the granting of exploration and development rights without prior environmental assessment, resulting in resource allocation and development decisions that are not based on science and evidence, and thus, do not serve the full interest of the public.

A Holistic Approach

At the moment, simultaneous independent reviews of several laws governing resource management and the environment are taking place – notably the *Canada Petroleum Resources Act*, the *National Energy Board Act* and the *Canadian Environmental Assessment Act, 2012*. However, these individual reviews will not be effective unless there is a holistic vision of what a modern system of oil and gas resource management and environmental protection should be. Without such clarity of purpose, the deficiencies and incompatibilities embedded in our current laws may not be remedied, and the opportunity to create the effective laws we need may not be realized.

Canada Petroleum Resources Act

The CPRA review provides a cautionary example of what can happen when reviews of individual laws are not guided by consideration for the overarching social goals our resource management and environmental laws are meant to achieve.

Under the CPRA, access rights in the form of licences are allocated based solely on the amounts bid for them, all without environmental assessment and without weighing the relative value of alternative uses. The CPRA gives petroleum interests priority over all other economic and social priorities including fishing, tourism, food security, conservation, and community and cultural values. The CPRA also does not consider the impacts that oil and gas development may have on Canada's greenhouse gas emissions.

The CPRA predates the 1987 Brundtland Report, which popularized the concept of sustainable development. In Gro Brundtland's homeland of Norway, by contrast, a regional environmental assessment is required before any area may be opened for petroleum bids. This assessment enables informed decisions, and places other uses on a more equal footing with petroleum development. Not long ago, Norway decided to exclude petroleum bids in the offshore Lofoten Archipelago to protect critical spawning grounds of the largest northeast Arctic cod, haddock and spring-spawning herring stocks. Such

a wise decision would not be possible in Canada, where the law provides no restrictions on areas that may be opened for petroleum bids.

Petroleum is neither the only nor necessarily the best use of every part of the Arctic offshore. Yet, licences granted under the CPRA without due regard for alternate economic values and social priorities may well interfere with the prudent management of our natural resources. This becomes particularly clear when the petroleum resource cannot be economically developed: Licences that cannot be exercised nevertheless interfere with other potential uses, notably the designation of marine protected areas.

The CPRA is an impediment to the sustainable management of resources in the Arctic. Yet a recent review by Special Ministerial Representative Rowland Harrison did not provide any recommendations to make the law compatible with modern environmental assessment practice and legitimate social goals other than petroleum development.

Mr. Harrison was aware that the policy context for petroleum allocation is not what it was 30 years ago. In his report to the minister, he cited the *Northern Oil and Gas Report to Parliament 2015*:

“The Government of Canada has pledged to continue promoting a modern, effective and safe oil and gas regulatory regime that upholds world-class environmental standards in the North. We are committed to working with Indigenous Peoples when considering the development of natural resources and will do so in a responsible and environmentally sound manner. Work will continue with both our domestic and international partners to promote a sustainable Arctic economy, where development decisions are based on science, facts, and evidence, and serve the public’s interests.”

Yet he chose to provide no recommendations to amend the Act to make the petroleum allocation system compatible with the broader social purposes expressed in the government’s policy goals.

The CPRA and all acts and policies pertaining to the management of Arctic oil and gas should be considered again in light of the requirements for a Shared Arctic Leadership Model.

A Shared Arctic Leadership Model, as it pertains to Arctic oil and gas management, could restore northerners’ capacity to meaningfully participate in decisions that will affect their future. A Shared Arctic Leadership Model could supplant the current petroleum-centred system of resource allocation with a system in which economic values and social priorities other than petroleum are given fair consideration. It could give decision-makers the tools they will need to adapt to the threat of climate change.

Recommendation

WWF-Canada recommends that the Government of Canada undertake a reform of all acts, regulations and policies pertaining to Arctic oil and gas with a view to modernizing Canada’s approach to include a Shared Arctic Leadership Model in which all economic values, cultural and social priorities (including climate change) are given fair consideration.

Caribou

Background

Across their range, caribou are an essential resource to Indigenous peoples. Northern communities have an intimate relationship with caribou herds, and have relied on them as a source of traditional food and clothing for millennia. Caribou populations fluctuate dramatically under natural conditions, but when faced with external threats, their numbers can drop to dangerous levels and may fail to recover from natural population lows. WWF-Canada is working with northern communities to help reduce the man-made stresses that may prevent caribou population recovery.

Almost every major herd of barren-ground caribou across the Canadian Arctic is in decline, some by over 90 per cent. While caribou populations cycle naturally over a period of 40 to 50 years, there are many more stresses across the Canadian Arctic today than there were the last time caribou populations recovered from a large-scale decline. These stresses include increased mineral exploration and industrial development, a warming climate and increased human presence. This is a critical time for barren-ground caribou herds, and it is important that they be given the opportunity to rebound.

Calving Grounds and the Nunavut Land Use Plan

During the Nunavut Land Use Plan (NLUP) consultation process, government biologists, regional wildlife organizations, caribou management boards, local hunters and trappers' organizations and community members alike have expressed the need to protect caribou calving grounds from disturbance in order to increase the reproductive output of the herds. Both scientific and traditional knowledge are consistent in the conclusion that disturbing caribou during calving can lead to calf abandonment and lower caribou populations.

The Protected Areas proposed in the draft NLUP cover a relatively small geographic extent based on identified core caribou calving grounds. By assigning Protected Area status to core calving grounds, post calving grounds, freshwater crossings and key access corridors, rather than the historic calving grounds, a balance is being struck between natural resource development and caribou conservation in the NLUP.

The NLUP is a dynamic plan that will be regularly reviewed, and for which exemptions can be applied after proper consultation with community members. By grandfathering all mineral claims, prospecting permits and mineral leases, including those that are within caribou calving grounds, the land use planning process in Nunavut will be undermined, allowing for incompatible industrial development in areas that should be off-limits.

The designation of Protected Area status does not create a National or Territorial Park, nor does it confer total prohibition on incompatible uses in the short or long term. Rather, it assigns incompatible uses that require exemptions or amendments in order to protect identified values within specifically bounded geographical areas of Nunavut. Assigning Protected Area status will require new industrial development projects to apply for a plan exemption or amendment in order to explore/operate within critical caribou habitat. At which point, the pros and cons can be weighed by the Nunavut Planning Commission (NPC) and relevant bodies on the merits of such an application.

To date the Government of Canada, which is responsible for the management approximately 80 percent of the lands in Nunavut, has not stated a position to protect key caribou habitat under the NLUP.

Recommendation

WWF-Canada recommends that the Government of Canada reconsider its position on caribou habitat protection in the NLUP process, and support the caribou habitat designations in the 2016 draft plan.

The calving grounds of many of Nunavut's mainland caribou herds are littered with existing prospecting permits and mineral tenures, which if allowed to progress to full mineral development will greatly hinder the recovery of Nunavut's caribou. The Government of Canada has yet to confirm a clear position on how different existing mineral rights (prospecting permits up through to mine permits) should be treated under the NLUP.

WWF-Canada recently commissioned EcoJustice to submit a legal opinion to the NPC on existing rights and the NLUP. This opinion concluded that:

- An "existing right" does not arise unless the NPC has already made a conformity determination for the project proposal or received a complete project proposal
- Project proposals without conformity determinations are not "existing rights" eligible for grandfathering
- Moving from one stage of mineral exploration and development to another constitutes a new project, not a significant modification.

In a letter to WWF-Canada on Dec. 15, 2015 from Minister Bennett's office, it was indicated that the Government of Canada would consult with the Government of Nunavut and Nunavut Tunngavik Incorporated on the issue of pursuing a moratorium on issuing authorizations in areas identified as caribou calving grounds in the draft NLUP. We have not heard any follow-up in this regard and urge the Government of Canada to move forward on this issue.

This is of particular concern considering that Indigenous and Northern Affairs Canada (INAC) is initiating a new online map staking system that will replace the need for prospecting permits and physical ground staking by parties seeking mineral claims. It is likely that when this system is put in place, there will not yet be an approved land use plan across much of the caribou range. Without an approved land use plan in place, coupled with the ambiguous position of the Government of Canada on the treatment of existing rights, there could be a rush to acquire prospecting permits in areas soon to be designated as Protected Areas.

Recommendation

WWF-Canada recommends that the Government of Canada adopt a clear position that:

- *An "existing right" does not arise unless the NPC has already made a conformity determination for the project proposal or received a complete project proposal*
- *Project proposals without conformity determinations are not "existing rights" eligible for grandfathering*

- *Moving from one stage of mineral exploration and development to another constitutes a new project, not a significant modification.*

WWF-Canada also recommends that the Government of Canada implement an immediate moratorium on issuing claims, licences, and permits within identified caribou calving grounds until the Nunavut Land Use Plan is finalized.

Dolphin-Union Herd and Peary Caribou

Caribou of the Dolphin-Union herd, a unique subspecies of caribou in the Arctic, as well as Peary caribou farther north, rely on sea ice crossings during annual migrations. Both the Dolphin-Union herd and Peary caribou are listed on the Species at Risk Act (SARA) as Special Concern and Endangered, respectively. The ability of these high Arctic caribou to access their preferred habitat is dependent on crossing areas of sea ice at specific times of the year, as determined by telemetry studies and traditional knowledge. As climate change reduces the extent and reliability of sea ice, conditions will become less predictable and these migrations will become more difficult.

In the 2016 draft NLUP, three of these areas are designated as Special Management Areas which prohibit ice breaking during these seasonally sensitive times for caribou migration. The Special Management Area for the Dolphin-Union herd between Victoria Island and mainland Nunavut is at one of the entrances to the Northwest Passage.

At the Iqaluit NLUP pre-hearing conference in September 2016, a Government of Canada representative indicated that such a prohibition is, among others, an issue of national security as restrictions on shipping within the Northwest Passage could negatively impact international relations.

WWF-Canada respectfully disagrees with this position and suggests that the proposed Special Management Area, which will impose seasonal ice breaking restrictions on one of the routes through the Northwest Passage to safeguard the annual migration of a SARA listed species, is compatible with Canada's claim that the Northwest Passage is internal waters to Canada.

Recommendation

WWF-Canada recommends that the Government of Canada support the designation of Special Management Areas in the Nunavut Land Use Plan that safeguard caribou migrations across sea-ice for the Dolphin-Union herd as well as Peary Caribou.