

NUNAVUT WILDLIFE MANAGEMENT BOARD

Minutes: Regular Meeting No.65

Iqaluit, September 15th, 2010

Members and Staff Participating:

Willie Nakoolak	A/Chairperson
Robert Moshenko	Member
Peter Awa	Member
Joannie Ikkidluak	Member
Peter Kusugak	Member
Peter Qayutinuak Sr.	Member
Mikidjuk Akavak	Chief Executive Officer
Jim Noble	Chief Operating Officer
Dave Rogers	Director of Finance and Admin
Adam Schneidmiller	Wildlife Management Biologist
Rebecca Jeppesen	Wildlife Management Biologist
Lesley Farrow	Wildlife Management Biologist
Evie Amagoalik	Interpreter
Lazarus Arreak	Interpreter
Michael d'Eça	NWMB Legal Advisor

Not Available:

Chairperson	Vacant
CWS Appointee	Vacant
Harry Flaherty	Member
Robert Kidd	Director of Wildlife

Other Participants at Various Times:

Chris Lewis	DFO, Iqaluit
Eric Kan	DFO, Iqaluit
Robert Jones	DFO, International Affairs Directorate
Glenn Williams	NTI, Iqaluit
Paul Irngaut	NTI, Iqaluit
Mathieu Dummond	GN-DoE, Kugluktuk
Lorraine Standing	GN-DoE, Igloolik
Steve Pinkston	GN-DoE, Iqaluit

1. Call to Order and Opening Preliminaries

The A/Chairperson called the meeting to order at 9:00 am, welcomed Board Members, staff and guests, to Regular Meeting No.65. Peter Awa was called on to open the meeting with a prayer.

2. Agenda: Review and Approval

The Board decided (**Resolution 2010-000**) to adopt the agenda for September 15th, 2010.

3. Fisheries and Ocean (DFO): Issues/Decisions

3. A Bathurst Inlet Emerging Char Fishery Application

DFO presented the briefing note on the request for an exploratory license for Burnside Bay, Huikitak River, and Burnside River within the Bathurst Inlet area.

DFO noted that based on the review of the available information and science advice, there would be a moderate risk to the Arctic Char populations in the following waterbodies if harvest levels of 2000 kg are approved for exploratory purposes, provided that the subsistence harvest remains unchanged: Burnside Bay/Swan Inlet, Hiukitak River, and Burnside River.

It was additionally recommended that the fishery should be monitored to assess the effect of the exploratory fishery on the stock and that the following conditions be implemented: (1) that each fishery should follow the exploratory fisheries five-year approach, with all samples and data being submitted annually to DFO-Science in Winnipeg, as per the Exploratory Licence; and (2) that a minimum gillnet mesh-size of 5 ½ inches be set as a Non Quota Limitation. Specific to the Hiukitak River, it was recommended that prior to licensing this waterbody, a letter from the Umingmaktok HTO indicating support of the Burnside HTO's intentions should be forwarded to DFO.

DFO indicated that these recommendations are consistent with the "fishing plan" that was requested by the NWMB. NTI raised concerns pertaining to the NWMB approving harvesting limitations as per S 5.2.34 (c) of the Nunavut Land Claims Agreement (NLCA) and requested details as to the scientific advice that demonstrated a conservation concern. The Board's legal advisor indicated that the Board had three options: (1) to establish a Total Allowable Harvest (TAH) and Basic Needs Level (BNL); (2) to establish a level of harvesting (however it was indicated that the Board had decided to not set levels of harvesting); and (3) approve a management plan/fishing plan with appropriate harvesting limitations (as long as all limitations are agreed to by all parties).

The decision was deferred to In-camera No. 12.

3. B NAMMCO

DFO presented the briefing note on the North Atlantic Marine Mammal Commission (NAMMCO), which DFO was seeking recommendations if Canada should join NAMMCO, either in whole or in part.

It was indicated that NAMMCO is the international body for cooperation on the conservation management and study of marine mammals in the North Atlantic. NAMMCO is not involved in resource allocation or quota setting; however, it offers scientific assessments on the sustainability of management plans and provides a mechanism for cooperation on the conservation and management of all marine mammals in the North Atlantic. Furthermore, it was expressed that NAMMCO has management committees which are supported by a scientific committee.

Three options for increased involvement in NAMMCO were presented to the Board which were:

- 1.) Continue to participate as an Observer to the Commission, and not pursue formalizing a relationship with the Commission or its Committees at this time by becoming a Party to the NAMMCO Agreement;
- 2.) Join one or both of the NAMMCO Management Committees, becoming full participants in the discussions within these Committees, but not become a Party to the NAMMCO Agreement;
- 3.) Become a Party to the NAMMCO Agreement which would enable Canada to actively participate in all NAMMCO discussions and decisions with respect to marine mammal conservation and management in the North Atlantic.

The decision was deferred to In-camera No. 12.

3. C CITES-Arctic Marine Species

DFO presented the informational briefing note pertaining to an update on arctic marine species under the Convention on International Trade in Endangered Species (CITES).

It was noted that CITES is an international agreement that is aimed at ensuring that international trade in specimens of wild animals and plants does not threaten their survival. CITES has 175 member countries (including Canada) and affords varying degrees of protection to over 30,000 species of animals and plants. Species listed under CITES are included under one of three appendices which are:

- 1.) Appendix I (total prohibition on commercial international trade);
- 2.) Appendix II (regulated trade through permitting);
- 3.) Appendix III (individual countries track international trade).

The Board was informed that the following marine species are listed under CITES under Appendix II: narwhal, beluga, and walrus. DFO provided an update on each of these species at the meeting and indicated to the Board that DFO would keep the NWMB informed of any proposals to list arctic marine CITES species in the future, seek the views of the Board on such proposals, and inform the Board of any changes in implementation pertaining to arctic marine species presently listed under CITES.

3. D Canada response to US proposed MOU on conservation and protection of large whales in the Western North Atlantic

DFO presented the informational briefing note pertaining to Canada's response to a US proposed Memorandum of Understanding (MOU) on the conservation and protection of large whales in the Western North Atlantic.

The Board was informed that in September 2008 the US provided Canada with a draft MOU on the conservation of trans-boundary populations of large cetaceans of the Western North Atlantic, which targeted six species including the North Atlantic Right Whale, Humpback Whale, Blue Whale, Fin Whale, Sei Whale and Sperm Whale. It was indicated to the Board that after discussions with the US in 2009, Canada declined to enter into the MOU due to a number of mechanisms that already existed and the fact that the non-legal binding agreement would have no additional conservation benefit. Canada however proposed a workshop to exchange information and highlight areas where collaboration could be sought.

DFO informed the Board that it would keep the NWMB informed of the proposed workshop.

3. E Future regime governing new and emerging fisheries in the high seas in the Arctic Ocean

DFO presented the informational briefing note pertaining to the future regime to govern new and emerging fisheries in the high seas areas in the Arctic Ocean.

The Board was informed that due to the Arctic experiencing a significant reduction of sea ice and future projections suggesting an accelerated rate, a number of states and environmental non-governmental organizations (ENGOS) have started to question the adequacy of existing governance mechanisms for the Arctic Ocean. It was noted that the Arctic Ocean is currently governed by international legal framework such as the United Nations Convention on the Law of the Sea (UNCLOS) and the United Nations Fish Stocks Agreement (UNFSA).

It was noted that DFO had recently met with Arctic coastal states (Denmark, Norway, US and Russia) to discuss ensuring that future Arctic fisheries were grounded in law, science, and international fisheries management best practices. There was also a call for a Regional Fisheries Management Organization to govern eventual high seas fisheries in the Arctic Ocean.

DFO indicated that Canada's positions on the issues are the following:

- (A) promotes a pragmatic approach whereby the necessary scientific data is collected and analyzed to identify the most appropriate management tool/arrangement;
- (B) promotes focusing on the coastal areas where fisheries will further develop due to increasing open water periods;
- (C) believes that it is premature to establish a Regional Fisheries Management Organization in the absence of a basic understanding of viable fish stocks or their habitat;

(D) does not support moratoria due to its effectiveness being questionable as they are hard to implement, monitor, and enforce.

DFO informed the Board that it would keep the NWMB informed of a new developments pertaining to the issue.

3. F SARA update –Atlantic Cod (Arctic Lakes population)

DFO presented the informational briefing note pertaining to plans for consultation and decision-making regarding the proposed listing of Atlantic Cod (Arctic Lakes population) under the federal Species at Risk Act (SARA).

DFO informed the Board as per section 3.5 of the Harmonized Listing Process of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessment results, and the plans for consultation on the Arctic Lakes population of Atlantic Cod.

The Board was informed that the Arctic Lakes population of Atlantic Cod is confirmed in three lakes in Nunavut on Baffin Island, although Inuit knowledge suggests they may be present in more. COSEWIC assessed the population as Special Concern due to the limited number of confirmed locations in which they exist, having a combined area of <20 km, thereby making them susceptible to disturbance.

The Board was further informed that DFO would be conducting consultations at the community level to hear the views of Inuit regarding the possible addition of these populations to the federal SARA and that a consultation summary would be provided to the NWMB by April 2011.

Board members expressed concern with proceeding with the consultations at the present time as Atlantic Cod have been confirmed in only 3 lakes given that Inuit have identified other lakes which contain the species.

4. Department of Environment (DoE-Nunavut): Issues/Decisions

4. A Western Hudson Bay Polar Bear –TAH Overharvest

GN-DoE presented the request for decision briefing note pertaining to the Total Allowable Harvest (TAH) for the Western Hudson Bay polar bear subpopulation.

The Board was informed that the harvest for 2009/2010 was 18 bears, of which 4 were regular hunts, 2 were sport hunts and 12 were defence kills, noting that the TAH for this subpopulation is 8. Based on the flexible quota system and the overharvest in 2009/2010, the TAH for 2010/2011 would be 2. However, GN-DoE noted that based on the recent history of harvesting from the subpopulation, more than 2 bears would likely be harvested in defence of life and property.

GN-DoE informed the Board that it was undertaking a new analysis of all scientific data for the subpopulation and that the results of the analysis would be completed in the winter of 2010/2011, resulting in a new population estimate. In addition, the Board was

informed that a pilot aerial population survey was to be conducted in 2010, with a completed survey expected to follow in 2011.

GN-DoE presented two options for the Board to consider, which were:

- 1.) Pursuant to the MOU, do not make any adjustments to the harvest level, and leave it at 2 for 2010/2011 understanding a person may always kill wildlife if it is necessary to preserve a human life or to protect that person's property (NLCA S 5.6.52)
- 2.) Recognizing that defence kills will occur, set the harvest level at 8 and pursuant to the NLCA leave it to the RWO to determine how to best manage the allocation.

The NWMB's legal advisor asked what the S 5.3.3 (a) justification was for the change to the TAH and requested the position of NTI. GN-DoE responded that due to defence kill history in recent years the TAH would likely be exceeded and indicated that it is hard to manage when there is no RWO/HTO support for the scientific data being used at this time. NTI responded by indicating that it supported the allocation of 8 bears for this year.

The decision was deferred to In-camera No. 12.

5. Kitikmeot Regional Wildlife Board

5. A East Kitikmeot Musk-ox Management Plan

GN-DoE presented the briefing material on behalf of the Kitikmeot Regional Wildlife Board (KRWB) pertaining to approval of the East Kitikmeot Musk-ox Management Plan, due to a representative not being able to attend the meeting.

The Board was informed that the management plan had been developed in cooperation with GN-DoE, NTI, KRWB and the relevant HTOs. The management plan proposed changing three existing muskoxen management zones (MX/09, MX/17 and MX/22) to two, based on the ranges of the Boothia and Eastern Mainland populations. The management plan also proposed modifications to current Total Allowable Harvests (TAH) for use within the new boundaries and the following options were provided:

- (A) Eastern Mainland Population
TAH for stability = 100
TAH for increase = <75
- (B) Boothia Population
TAH for stability = 63
TAH for increase = <44

NWMB staff asked what the management goal of the communities was for the populations; GN-DoE responded by indicating that the KRWB and the HTOs supported

