



Aᓂᐱᑦᕋᕈᕐᕆᕐᕆ ᐅᓴᕐᕆ ᐱᕐᕆᕈᕐᕆ ᐱᕈᕐᕆᕈᕐᕆ ᐱᕈᕐᕆ ᐱᕈᕐᕆᕈᕐᕆ ᐱᕈᕐᕆ ᐱᕈᕐᕆᕈᕐᕆ ᐱᕈᕐᕆᕈᕐᕆ
Tammaqtailinahuanirrit angutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

ՈՐԿԱՆ 18, 2015

ፖሊሲዎችና ፅንሰ ሀሳብ
ፖለቲካና ልማት ስራ ለማድረግ ማድረግ
ሚቻለው ከዚህ ነው

$\Gamma\sigma^1C$ Lρα:

[illegible][illegible][illegible][illegible][illegible]

ርዕሰ ልብ ወለድ፣ የኢትዮጵያን ኃይል ለማስተካከልና ለመጠበቅ የሚችል አጭር ሪፖርት በሚዘጋጀው መሆኑን ታዛቢነት አድርጎታል፡፡

[illegible][illegible][illegible][illegible]

ለርዕሱ፣

 $\Delta^a \Delta^b$

Δ⁹Δ⁹Δ⁹Δ⁹ Δ⁹Δ⁹

ወደፊት ስለሚገባ ሕግ ማረጋገጫ ማረጋገጫ

[illegible]



APR 26 2018

Ottawa, Canada K1A 0E6

[illegible]

$\rho \Delta h^b \ll c$

[illegible][illegible]

- የዎሜኒርታዊ ልጅ ነጥብ ምስል Blue Whale, ሮሲያውያን Northwest Atlantic;
- ተለያዩ የሆኑ ዓይነት አጠቃላይ የሆኑ ጋናሪካ ዓይነት ልጆች Northern Wolffish ልጅ ሮሲያውያን Spotted Wolffish, ልጅ ሮሲያውያን Atlantic Wolffish; ልጅ

 $\dots/2$

1

January 18th 2017

The Honourable Dominic LeBlanc
Minister of Fisheries, Oceans and the Canadian Coast Guard
15th Floor, Centennial Towers
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Minister LeBlanc:

Re: Nunavut Wildlife Management Board decisions concerning three marine Species at Risk recovery documents

1. NWMB Resolutions

At the Nunavut Wildlife Management Board's (NWMB or Board) September 2016 quarterly meeting, Fisheries and Oceans Canada presented a *Proposal for NWMB Decision* (Proposal) seeking approval of the *Recovery Strategy for Northern Wolffish (Anarhichas denticulatus) and Spotted Wolffish (Anarhichas minor)*, and *Management Plan for Atlantic Wolffish (Anarhichas lupus) in Canada and the Action Plan for the Northern Wolffish (Anarhichas denticulatus) and Spotted Wolffish (Anarhichas minor) in Canada*. At the NWMB's In-Camera meeting (IC005-2016) on September 14th 2016, the Board considered this Proposal, as well as July 19th 2016 correspondence from you concerning the *Action Plan for Blue Whale, Northwest Atlantic Population, in Canada*, and made the following decisions:

RESOLVED that the NWMB write to Fisheries, Oceans and the Canadian Coast Guard requesting that a revised Proposal for Decision(s) concerning final drafts of:

1. the "Action Plan for Blue Whale, Northwest Atlantic Population, in Canada",
2. the "Recovery Strategy for Northern Wolffish (*Anarhichas denticulatus*) and Spotted Wolffish (*Anarhichas minor*), and Management Plan for Atlantic Wolffish (*Anarhichas lupus*) in Canada", and
3. the "Action Plan for the Northern Wolffish (*Anarhichas denticulatus*) and Spotted Wolffish (*Anarhichas minor*) in Canada",

be submitted to the NWMB following the Species at Risk Act 60-day public consultation periods for these documents. The NWMB will then exercise its discretion under Section 5.2.34(d)(i) of the Nunavut Land Claims Agreement to make a decision on the approval of these documents.

RESOLVED that the NWMB recommend that, should the range of the Blue Whale, Northwest Atlantic Population, expand into the waters inside or adjacent to the Nunavut Settlement Area, Fisheries and Oceans Canada conduct consultations with Nunavut communities adjacent to that range on recovery documents and actions required under the federal Species at Risk Act.

2. Reasons for the NWMB's Resolutions

Under Section 5.2.34(d)(i) of the *Nunavut Land Claims Agreement*, the NWMB shall, in its discretion, approve plans for the management, classification, protection, restocking or propagation, cultivation or husbandry of particular wildlife, including endangered species. Such 'plans' include Recovery Strategies, Action Plans and Management Plans under the federal *Species at Risk Act*. The three proposed recovery documents in question had not gone through the 60-day public consultation period at the time of consideration by the NWMB, and may therefore still be modified. The NWMB's approval of a document that may still undergo changes is not consistent with the *Nunavut Land Claims Agreement*, in particular Sections 5.3.20 and 5.3.23 which are both clear that, where the Minister accepts an NWMB initial decision made pursuant to Section 5.3.16 or where a final decision has been accepted or varied by the Minister, "...the Minister shall proceed forthwith to do all things necessary to implement" that decision, whether it be initial, final or varied. Accordingly, there is no legal option to treat an accepted initial NWMB decision or an accepted or varied final NWMB decision as an interim determination or recommendation subject to additional consultation and potential resulting modification. Therefore the NWMB's discretionary responsibility to approve plans such as those mentioned above, as per Section 5.2.34(d)(i) of the *Nunavut Land Claims Agreement*, requires final proposed recovery documents.

The above concern regarding the NWMB's approval of recovery documents has also been communicated to the Minister of Environment and Climate Change¹ and the submission of final recovery documents, following the 60-day public consultation period, has recently become a practice of the Canadian Wildlife Service. Therefore, the NWMB is requesting that Fisheries and Oceans Canada follow a similar procedure and submit revised Proposal(s) for Decision regarding approval of these three recovery documents following the completion of the 60-day public consultation period.

The NWMB accepts that, as there have been no recent, confirmed sightings of Blue Whales in or near Nunavut waters, you do not intend to conduct consultations with Nunavut communities on the *Action Plan for Blue Whale, Northwest Atlantic Population, in Canada*. However, once again, the NWMB considered the potential for the range of the Blue Whale to expand into waters inside and adjacent to the Nunavut Settlement Area

¹ See December 18th 2015 correspondence attached as Appendix A.

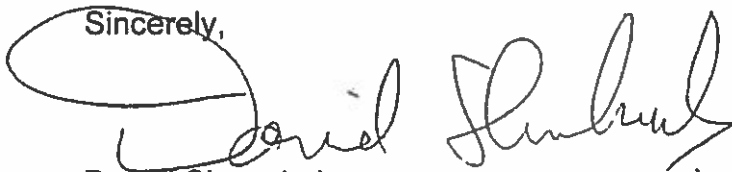
with changes in climate and other environmental conditions. The NWMB recommends that, should evidence arise indicating an expansion of the range of the Blue Whale into the waters inside or adjacent to the Nunavut Settlement Area, Fisheries and Oceans Canada conduct consultations with those Nunavut communities adjacent to that range on existing recovery documents and actions required under the federal *Species at Risk Act*, and submit the resulting consultation report and any proposed changes to the NWMB for consideration. The NWMB would also like to take this opportunity to note possible recent sightings of Blue Whales near Pond Inlet, NU, which were discussed during the Board's consideration of the proposed Action Plan at its September 2016 quarterly meeting. You and your department may wish to investigate these sightings by community members further.

The NWMB recognizes the growing potential for changes in species distribution with changes in climate and is therefore working to develop a Board policy to define procedurally fair processes for the NWMB's listing and recovery document decision-making functions for species that currently appear to have limited ranges in Nunavut. This policy will also express under what conditions the NWMB will decide to not perform its listing and recovery document decision-making functions for such species. The NWMB would also like to suggest that the Government of Canada – through Fisheries and Oceans Canada and Environment and Climate Change Canada – work collaboratively with the Board on the development of a Memorandum of Understanding to ensure adequate consultations and procedurally fair decision-making when reliable new information indicates a species' range has moved into or adjacent to the Nunavut Settlement Area.

3. Conclusion

Mr. Minister, the NWMB hereby forwards its decision and recommendation to you for your consideration pursuant to the relevant terms of the *Nunavut Land Claims Agreement*. Should you or your officials have any questions or concerns with respect to the contents of this letter, please do not hesitate to contact the NWMB at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Shewchuk', written over a large, loopy oval shape.

Daniel Shewchuk
A/Chairperson of the
Nunavut Wildlife Management Board

Attachments (1)

c.c. Honourable Catherine McKenna, Minister of Environment and Climate Change;

Sam Stephenson, Species at Risk Biologist, Fisheries and Oceans Canada;
Raymond Ratynski, Regional Manager, Species at Risk Program, Fisheries and
Oceans Canada; and
Larry Dow, Director of Northern Operations, Fisheries and Oceans Canada.



Tammaqtailinahuerniit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihmaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimagatugangit and scientific knowledge

December 18th, 2015

The Honourable Catherine McKenna
Minister of Environment and Climate Change
Government of Canada

Dear Minister McKenna:

Re: Little Brown Myotis Recovery Strategy and the Nunavut Wildlife Management Board engagement for species with unknown or extralimital ranges in Nunavut

At the Nunavut Wildlife Management Board's (NWMB or Board) December Regular Meeting (RM 004-2015) on December 1st, 2015, Environment and Climate Change Canada - Canadian Wildlife Service provided an update on the draft *Recovery Strategy for Little Brown Myotis (Myotis lucifugus), Northern Myotis (Myotis septentrionalis), and Tri-colored Bat (Perimyotis subflavus) in Canada*. The 2012 Committee on the Status of Endangered Wildlife in Canada (Committee) Assessment and Status Report for the three bat species was unclear on the distribution of Little Brown Myotis in Nunavut. For example, the technical summary lists all Canadian provinces and territories except Nunavut as the species' range of occurrence in Canada, but also states in the document's Canadian Range section that "...it occurs in every province and territory, with occasional records in southwestern Nunavut". In addition, the range map in the Committee's report uses a '?' to indicate Nunavut records that are probable but unconfirmed or extralimital.

The Canadian Wildlife Service informed the NWMB that given the information on the distribution of Little Brown Myotis in the Assessment and Status Report, Canadian Wildlife Service emergency listed Little Brown Myotis as endangered in 2014 and drafted the proposed Recovery Strategy without conducting consultations in Nunavut. The Canadian Wildlife Service asked the NWMB to provide advice on how the Board would like to be included in the review and approval of the Recovery Strategy and how the Board would like to be engaged in the future for species with unknown or extralimital ranges in Nunavut.

The NWMB considered this request at its In-Camera Meeting (IC 007-2015) on December 2nd, 2015, and passed the following resolution:

RESOLVED that the NWMB write to the Minister of Environment and Climate Change Canada requesting that a *Proposal for Decision* regarding the “*Recovery Strategy for Little Brown Myotis (Myotis lucifugus), Northern Myotis (Myotis septentrionalis), and Tri-colored Bat (Perimyotis subflavus) in Canada*” be forwarded to the NWMB following the 60-day public review period. The NWMB will then exercise its discretion under Section 5.2.34(d)(i) of the *Nunavut Land Claims Agreement* to either make a

decision on the approval of the recovery strategy, or not perform its decision-making function.

Therefore, the NWMB is requesting that Canadian Wildlife Service forward the Recovery Strategy to the NWMB following the 60-day public comment period. Pursuant to Section 5.2.34(d)(i) of the *Nunavut Land Claims Agreement*, the NWMB shall in its discretion approve plans for the management, classification, protection, restocking or propagation, cultivation or husbandry of particular wildlife, including endangered species in the Nunavut Settlement Area. Thus, after reviewing the Recovery Strategy, the NWMB will exercise its discretion to either make a decision on the approval of the recovery strategy, or not perform its decision-making function.

The NWMB recognizes that with climate change, more species are likely to expand their ranges into Nunavut. Consequently, a species whose current range or habitat is near Nunavut or occasionally within Nunavut, may move further into the territory under the right conditions. Considering this, the NWMB also passed the following resolution:

FURTHER RESOLVED that the NWMB develop a Board policy regarding (i) what procedurally fair processes it will follow for its listing and management plan/recovery strategy/action plan/critical habitat decision-making functions for species or populations that currently appear to have limited or potentially even no ranges in Nunavut, and (ii) under what conditions it will decide to exercise its *Nunavut Land Claims Agreement* Section 5.2.34 discretion to not perform its listing and management plan/recovery strategy/action plan/critical habitat decision-making functions for such species or populations.

Therefore, in the coming months, the NWMB will be drafting a policy regarding what procedurally fair processes it will follow, and under what conditions it will exercise its *Nunavut Land Claims Agreement* Section 5.2.34 decision-making functions, regarding the listing and recovery documents for species or populations that currently appear to have a limited or potentially no range in Nunavut.

If you or your officials have any questions or concerns with the contents on this letter, please do not hesitate to contact the NWMB.

Sincerely,



Ben Kovic
Chairperson of the
Nunavut Wildlife Management Board

c.c. Lisa Pirie, A/Head of Eastern Arctic Section, Canadian Wildlife Service.



APR 26 2018

Mr. Daniel Shewchuk
Acting Chairperson
Nunavut Wildlife Management Board
c/o Taqialuq Sataa
< tsataa@nwmb.com >

Dear Mr. Shewchuk:

Thank you for your letter of January 18, 2017, in which you: 1) forwarded the Nunavut Wildlife Management Board's (NWMB) decision to accept the current consultations on the *Action Plan for the Blue Whale (Balaenoptera musculus), North Atlantic population, in Canada* and; 2) asked for the final recovery documents with respect to Blue Whale and Northern, Spotted and Atlantic Wolffish to be sent to the NWMB for approval once the 60-day public consultation period has been completed. I apologize for the delay in responding.

First of all, thank you for your understanding regarding Fisheries and Oceans Canada (DFO) consultations on the Blue Whale. Your concerns regarding the possible effects of climate change, particularly the potential for species to undergo a range expansion, is a concern shared by this Government. I acknowledge the recommendations of the NWMB that, should evidence arise indicating that the species has expanded in or adjacent to the Nunavut Settlement Area (NSA), it will be necessary and appropriate for DFO to conduct consultations with Nunavut communities in the NSA. The Action Plan for the Blue Whale supports research to better estimate the size and distribution of the Blue Whale in the Northeast Atlantic. I would like to specify that the recovery actions proposed in this Action Plan for the Blue Whale do not currently occur in the NSA.

To accommodate the NWMB's request on the review and approval of final versions of recovery documents, we will forward final versions of the following three recovery documents to the NWMB once the public comment period on the Species at Risk Public Registry has been completed and comments have been incorporated:

- Proposed Action Plan for Blue Whale, Northwest Atlantic population;
- Amended Recovery Strategy for Northern Wolffish and Spotted Wolffish, and Management Plan for Atlantic Wolffish; and
- Proposed Action Plan for the Northern Wolffish and Spotted Wolffish.

.../2

Regarding NWMB's approval of other final recovery documents, we acknowledge that submission of final recovery documents to the NWMB for approval has recently been communicated to Environment and Climate Change Canada and has become a practice of the Canadian Wildlife Service. However, submitting recovery documents to the NWMB once the 60-day public consultation period has been completed would not make it possible for DFO to finalize these documents within the subsequent 30 days, as required by the *Species at Risk Act*. Therefore, we respectfully request that the NWMB, DFO, and other federal departments first work together to develop a Memorandum of Understanding (MOU) for fair consultations and decision making on the approval of recovery documents going forward.

In the meantime, we will continue to work with the NWMB with respect to the occurrence of rare species in the NSA, and to update the 2008 MOU, "A Memorandum of Understanding to Harmonize the Designation of Rare, Threatened and Endangered Species under the *Nunavut Land Claims Agreement* and the Listing of Wildlife Species at Risk under the *Species at Risk Act*".

Thank you for writing. I look forward to ongoing correspondence with the NWMB.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. LeBlanc', with a stylized, cursive script.

Dominic LeBlanc, P.C., Q.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard