















October 3<sup>rd</sup> 2014

The Honourable Gail Shea  
Minister of Fisheries and Oceans  
15<sup>th</sup> Floor, Centennial Towers  
200 Kent Street  
Ottawa, Ontario  
K1A 0E6

Dear Minister Shea,

**Re: Nunavut Wildlife Management Board decision to increase the total allowable harvest of bowhead whales for the Kivalliq Region, and corrections to two previous total allowable harvest decisions**

**Increase to the Kivalliq regional total allowable harvest**

On April 28<sup>th</sup> 2014, the Nunavut Wildlife Management Board (NWMB or Board) received a request from the Kivalliq Wildlife Board to increase the total allowable harvest of bowhead whales for the Kivalliq Region to two (2) whales. This request for decision was considered by the NWMB at its In-Camera Meeting (IC 008-2014) on June 18<sup>th</sup> 2014 in Cambridge Bay, where the Board made the following decision:

*RESOLVED that the NWMB hold a written hearing to consider the request from the Kivalliq Wildlife Board to increase the annual regional level of total allowable harvest for bowhead whales in the Kivalliq Region from 1 whale to 2 whales.*

The Board felt that, since Inuit in Nunavut and Nunavik harvest bowhead whales from the same population and recent requests to change the harvest levels had been made in both regions, a written hearing would allow co-management partners and stakeholders from both Nunavut and Nunavik to provide input. The Board also felt that this would facilitate the NWMB's consideration of the overall harvest from the populations. The NWMB received three submissions, from the Nunavik Marine Region Wildlife Board, Fisheries and Oceans Canada, and community members from Coral Harbour, by the August 15<sup>th</sup> 2014 deadline. All three submissions expressed support for the proposed increase to the total allowable harvest. The full submissions and written

hearing background documents are available on the NWMB's website ([www.nwmb.com](http://www.nwmb.com)).

The Board again considered the Kivalliq Wildlife Board's request at its In-Camera Meeting (IC 009-2014) on September 16<sup>th</sup> 2014 in Iqaluit, and made the following decision:

*RESOLVED that, pursuant to Sections 5.6.16 and 5.6.17(b) of the Nunavut Land Claims Agreement, the NWMB modify the annual level of regional total allowable harvest of bowhead whales in the Kivalliq Region from 1 whale to 2 whales.*

As the most recent scientific information from Fisheries and Oceans Canada suggests a sustainable removal of 18 whales, and given that the total annual harvest from the population in recent years did not exceed 6 whales, the NWMB is confident that the addition of one whale to Nunavut's total allowable harvest does not raise a conservation concern. An additional whale for the Kivalliq Region will also help the Hunters and Trappers Organizations in this region to develop and diversify their experience and organizational capacity with respect to bowhead harvesting.

In coming to this decision, the Board also identified the importance of ensuring an overall safe and efficient hunt, including post-harvest landing, butchering, disposition and distribution of the whale. Accordingly, the NWMB continues to recommend that important management and related issues - such as hunt safety and efficient processing, disposition and distribution - be incorporated into the forthcoming Integrated Fishery Management Plan for the Eastern Canada-West Greenland Population of Bowhead Whales.

### **Corrections to two previous NWMB total allowable harvest decisions**

The NWMB would also like to take this opportunity to correct two previous Board decisions to increase the total allowable harvest of bowhead whales in the Nunavut Settlement Area. In a March 11<sup>th</sup> 2009 letter to you, the Board established an annual total allowable harvest of 3 whales for the Nunavut Settlement Area. You approved that decision on April 29<sup>th</sup> 2009. In its more recent July 10<sup>th</sup> 2014 letter, the Board provided a decision to increase the annual total allowable harvest in the Nunavut Settlement Area to 4 whales. You approved that decision on August 18<sup>th</sup> 2014.

The NWMB has recently confirmed that a total allowable harvest can only be expressed in one of two ways:

- (i) as a community total allowable harvest, if the stock is ordinarily harvested by members of a single Hunters and Trappers Organization, or

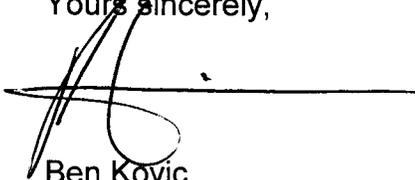
- (ii) as a regional total allowable harvest, if the stock is ordinarily harvested by members of more than one Hunters and Trappers Organization.<sup>1</sup>

Accordingly, the Board's 2009 decision ought to have established a regional total allowable harvest of 1 bowhead whale for each of the 3 Nunavut Regions (Qikiqtaaluk, Kitikmeot and Kivalliq), for a total of 3 whales. Likewise, the NWMB's July 2014 decision ought to have increased the Qikiqtaaluk regional total allowable harvest from 1 to 2 whales.

Madame Minister, should you require formally revised decisions from the NWMB, the Board will promptly take the necessary steps. However, from a practical perspective, all parties (Fisheries and Oceans Canada, the 3 Regional Wildlife Organizations, the relevant Hunters and Trappers Organizations and the NWMB) have, since 2009, consistently treated the overall quantitative limit of 3 bowhead whales as 3 regional total allowable harvests – one whale per year for the Kitikmeot, 1 whale per year for the Qikiqtaaluk (modified in July/August 2014 to 2 whales), and 1 whale per year for the Kivalliq (potentially modified to 2 if you accept the NWMB's decision).

Should you have any questions or concerns regarding the Board's current Kivalliq total allowable harvest decision or the corrections to its March 2009 and July 2014 decisions, please do not hesitate to contact the NWMB.

Yours sincerely,



Ben Kovic  
Chairperson of the  
Nunavut Wildlife Management Board

cc.

Stefan Romberg, Senior Resource Management Officer, Fisheries and Oceans Canada  
Larry Dow, Director of Northern Operations, Fisheries and Oceans Canada

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<sup>1</sup> See Section 5.6.17 of the *Nunavut Land Claims Agreement*. See also *Nunavut Land Claims Agreement* Section 5.6.18, which authorized the NWMB to establish, in the 1990's, an initial total allowable harvest of at least 1 bowhead whale in the Nunavut Settlement Area, and "...*Thereafter, the total allowable harvest shall be dealt with by the NWMB from time to time under Sections 5.6.16 and 5.6.17...*"



*WHEREAS, as of November 27<sup>th</sup> 2014, the Nunavut Wildlife Management Board (NWMB) has confirmed that, pursuant to Sections 5.6.16 and 5.6.17 of the Nunavut Land Claims Agreement (NLCA), a level of total allowable harvest (TAH) can only be expressed as either a community TAH or a regional TAH;*

*AND WHEREAS each regional TAH can only be applied to one of the three Nunavut administrative regions (Qikiqtaaluk (Baffin) Region, Kivalliq (Keewatin) Region and Kitikmeot Region);*

*AND WHEREAS on March 11<sup>th</sup> 2009, the NWMB issued an NLCA Article 5 decision to the Minister of Fisheries and Oceans to establish an annual TAH of three (3) bowhead whales for the Nunavut Settlement Area;*

*AND WHEREAS on July 10<sup>th</sup> 2014, the NWMB issued a follow-up NLCA Article 5 decision to the Minister of Fisheries and Oceans to modify the annual TAH for the Nunavut Settlement Area from three (3) to four (4) bowhead whales;*

*NOW THEREFORE, the NWMB makes the following motions to effectively replace the March 11<sup>th</sup> 2009 and July 10<sup>th</sup> 2014 TAH decisions for the Nunavut Settlement Area:*

*RESOLVED that, pursuant to Sections 5.3.3(a), 5.6.16 and 5.6.17(b) of the Nunavut Land Claims Agreement, the NWMB establish – effective as of summer 2009 - an annual level of regional total allowable harvest (TAH) of one bowhead whale for the Qikiqtaaluk Region, an annual level of regional TAH of one bowhead whale for the Kivalliq Region, and an annual level of regional TAH of one bowhead whale for the Kitikmeot Region.*

*RESOLVED that, pursuant to Sections 5.3.3(a), 5.6.16 and 5.6.17(b) of the Nunavut Land Claims Agreement, the NWMB modify – effective as of summer 2014 - the annual level of regional total allowable harvest (TAH) of one (1) bowhead whale for the Qikiqtaaluk Region to an annual level of regional TAH of two (2) bowhead whales for the Qikiqtaaluk Region.*

**Additional extension on response deadline**

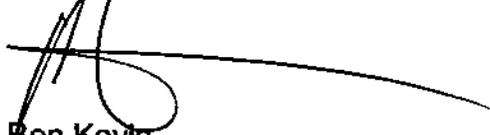
The NWMB recognizes that these ongoing discussions may have delayed a response to the Board's decision to increase the annual level of regional total allowable harvest of bowhead whales in the Kivalliq Region from one(1) whale to two (2) whales. As such, on January 21<sup>st</sup> 2015, the NWMB made the following resolution:

*FURTHER MOVED that the NWMB provide a 60-day extension to Fisheries and Oceans Canada for response on the following NWMB decision:*

*Pursuant to Sections 5.6.16 and 5.6.17(b) of the Nunavut Land Claims Agreement, the NWMB modify the annual level of regional total allowable harvest of bowhead whales in the Kivalliq Region from one(1) whales to two (2) whales.*

The NWMB looks forward to receiving your response to this decision by April 1<sup>st</sup> 2015 and to the Board's two revised decisions by March 27<sup>th</sup> 2015. Should you or your officials have any questions 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 be 'Ben Kovic', written over a horizontal line.

Ben Kovic  
Chairperson  
Nunavut Wildlife Management Board

c.c. David Burden, Regional Director General, Central and Arctic Region, Fisheries and Oceans Canada;  
Larry Dow, Director of Northern Operations, Fisheries and Oceans Canada; and  
Stefan Romberg, Senior Fisheries Resource Management Officer, Fisheries and Oceans Canada



MAR 26 2015

Mr. Ben Kovic  
Chairperson  
Nunavut Wildlife Management Board  
P.O. Box 1379  
Iqaluit, NU X0A 0H0

Dear Mr. Kovic:

Thank you for your correspondence of January 26, 2015, conveying resolutions and decisions of the Nunavut Wildlife Management Board (NWMB or “Board”) concerning the implementation of regional total allowable harvest levels for bowhead whales.

It is commendable that the NWMB has resolved to replace its two previous decisions (March 11, 2009 and July 20, 2014) concerning the levels of total allowable harvest for bowhead whales, thereby enabling consistency between the previous decisions and the current decision. I appreciate the Board’s diligence in this matter, and I agree with the replacement text that the NWMB has adopted for these decisions, namely:

*“RESOLVED that, pursuant to Sections 5.3.3(a), 5.6.16 and 5.6.17(b) of the Nunavut Land Claims Agreement, the NWMB establish – effective as of summer 2009 - an annual level of regional total allowable harvest (TAH) of one bowhead whale for the Qikiqtaaluk Region, an annual level of regional TAH of one bowhead whale for the Kivalliq Region, and an annual level of regional TAH of one bowhead whale for the Kitikmeot Region.”*

and

*“RESOLVED that, pursuant to Sections 5.3.3(a), 5.6.16 and 5.6.17(b) of the Nunavut Land Claims Agreement, the NWMB modify – effective as of summer 2014 - the annual level of regional total allowable harvest (TAH) of one (1) bowhead whale for the Qikiqtaaluk Region to an annual level of regional TAH of two (2) bowhead whales for the Qikiqtaaluk Region.”*

My correspondence of January 16, 2015 regarding the implementation of regional TAH levels summarized my Department’s three expectations regarding the NWMB’s implementation of regional TAH.

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There has been no subsequent correspondence to suggest that the NWMB (or other organizations or Departments) and my Department disagree on the matter. Therefore, I am pleased to accept the NWMB's decision:

*"Pursuant to Sections 5.6.16 and 5.6.17(b) of the Nunavut Land Claims Agreement, the NWMB modify the annual level of regional total allowable harvest of bowhead whales in the Kivalliq Region from one (1) whales to two (2) whales."*

An updated abundance estimate for the Eastern Canada-West Greenland bowhead whale population is currently undergoing scientific peer review and approval. This information will be presented to the Board in the near future and allow the Board to reassess the Department's sustainable harvest advice against the current harvest level in the Nunavut Settlement Area.

I look forward to our continued collaboration in the sustainable co-management of the East Canada-West Greenland bowhead whale population.

Yours sincerely,



Gail Shea, P.C., M.P.