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LΔ 30, 2014

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¹ ጋዖረ፯'σናኣÞጔJ, Þ፯ Þᡶጚሮሊትናጚላና ΔረዜሮÞʔበኄሁ ላጚጜባበናረቲኈ ውናበናረσናኮ ለርናbʔኄልናጋσቴ ርሊኦና୮ Þዚፈ<Þኦናውና σልኄሁርσቴ Þዊጜሁና 2013-2014 ፋናሬህላናσላና፯ኈ (Ճናሊሮ 1, 2013 Þቃኄሁ ኒና 31, 2014) Þቃኄሁ 2014-2015 ላናሬህላናσላና፯ና፤ (Ճናሊሮ 1, 2014 Þቃኄሁ ኒና 31, 2015), Δረደበጋቦና Þናቴናረዚσኄቦና Þdላ NFOS.

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שס שנו פרלבייליללנ פטרל יינ Nunavunmi Anngutighatigut Aulapkaijitkut Katimajiat Nunavut Wildlife Management Board

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May 30th 2014

Larry Dow Director, Northern Operations Fisheries and Oceans Canada Igaluit, Nunavut

Dear Mr. Dow:

Re: Nunavut Wildlife Management Board decision to approve the interim "Narwhal Flex Quota System" for implementation in the 2014-2015 narwhal fishery

In response to a February 2014 joint "Proposal for Decision" from the Department of Fisheries and Oceans (DFO) and Nunavut Tunngavik Inc. (NTI), the Nunavut Wildlife Management Board (NWMB or Board) recently decided to approve the proposed interim "Narwhal Flex Quota System" (NFQS), only for the 2014-2015 Nunavut narwhal fishery¹. The NWMB's approval is based upon its understanding that the interim NFQS entirely consists of the following five-point narwhal quota carry-over rule²:

- 1. All unused quota for a given harvest season (previous season) within a Management Unit is carried over for use within that Management Unit in the same subsequent harvest season (i.e., summer to summer, migratory to migratory, and all season to all season);
- 2. Carried-over quota from the previous season determined by the number of unused Marine Mammal Tags (MMTs) from the previous season – is applied to narwhal harvests in the subsequent harvest season before any of the subsequent harvest season MMTs are applied to such harvests;
- 3. Any remaining carried-over quota from the previous season expires at the end of the subsequent harvest season;

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¹ For greater certainty, this NWMB decision permits the carry-over of eligible Marine Mammal Tags from the 2013-2014 narwhal fishery (April 1st 2013 to March 31st 2014) to the 2014-2015 narwhal fishery (April 1st 2014 to March 31st 2015), subject to the terms of the NFQS.

² The NWMB has modified the wording of the rule originally provided in Tab 2 of the joint "Proposal for Decision", only for the purpose of making the rule clearer and more precise, and with no intention of changing its meaning. If DFO officials have concerns with any such modifications, the Board is prepared to work in collaboration with the Department to address those concerns.

- 4. As soon as a total allowable harvest for a Management Unit is modified pursuant to the co-jurisdictional decision-making process set out in Article 5 of the *Nunavut Land Claims Agreement*, no remaining unused MMTs from the previous season can be applied to narwhal harvests in the subsequent harvest season; and
- 5. For greater certainty, all other provisions of Phase One of the "Marine Mammal Tag Transfer Policy" concerning the transfer of MMTs if not inconsistent or in conflict with the five-point narwhal quota carry-over rule continue to apply.

The NWMB's approval of the interim NFQS is made pursuant to Sections 5.6.16 and 5.2.34(d)(i) of the *Nunavut Land Claims Agreement* (NLCA). That approval consists of:

- (i) A modification to all relevant narwhal total allowable harvests (TAHs), which have been transformed from TAHs confined to a specific 12-month period to cumulative annual TAHs (point no. 1 of the five-point narwhal quota carry-over rule), subject to the other points set out in the carry-over rule;
- (ii) Accompanying TAH Rules (points 2, 3 and 4), which contribute to ensuring that the Board's TAH decision and the rest of the interim NFQS are properly understood, implemented and followed;
- (iii) The "for greater certainty" point no. 5 of the carry-over rule; and
- (iv) A consequential modification to the IFMP.

In making its decision, the NWMB carefully took into account the following considerations:

- (a) Although the proposed interim NFQS has not been peer-reviewed by the Canadian Science Advisory Secretariat (CSAS), it has been carefully examined by Pierre Richard - a highly respected DFO research scientist and marine mammal management biologist, with over 30 years' experience in narwhal management – whose expert opinion is that the interim NFQS, properly implemented, does not raise a conservation concern;
- (b) Relevant co-management partners (DFO, NTI and the three Regional Wildlife Organizations⁴) have provided their written support to the NWMB to approve the implementation of the interim NFQS for the 2014-2015 Nunavut narwhal fishery;

³ The "Marine Mammal Tag Transfer Policy" forms part of the "Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area" [IFMP], approved by the NWMB and the DFO Minister in 2012. See pages 26 and 40 of the IFMP.

- (c) This is an interim decision only, pending the receipt of advice in 2014 from the CSAS concerning Phase Three of the "Marine Mammal Tag Transfer Policy" -"Marine Mammal Tag Transfer and Flex Quota System" - and consideration of that advice by co-management organizations for implementation following the 2014-2015 Nunavut narwhal fishery;
- (d) Because the implementation of the interim NFQS will constitute a change in the management of narwhal under the IFMP, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Scientific Authority may challenge DFO's June 2013 Non-Detriment Finding for five of the six narwhal Management Units in Nunavut; and
- (e) DFO and NTI are aware, and have informed the three Regional Wildlife Organizations, of the potential CITES challenge and all parties have taken that fact into careful account in recommending that the NWMB approve the implementation of the interim NFQS for the 2014-2015 Nunavut narwhal fishery.

Mr. Dow, should you or your officials have any questions or concerns with respect to the NWMB's rendition of the five-point narwhal quota carry-over rule, its decision in this matter, the considerations taken into account by the NWMB in reaching that decision, or any other aspect of this letter, please do not hesitate to contact the Board at your convenience.

Yours sincerely,

Ben Kovic

Chairperson of the

Nunavut Wildlife Management Board

Attachment (1)

c.c. The Honourable Gail Shea, Minister of Fisheries and Oceans, Government of Canada

⁴ The letters of support from the Qikiqtaaluk Wildlife Board, the Kitikmeot Regional Wildlife Board and the Kivalliq Wildlife Board are attached to this correspondence as Appendix A.



Fisheries and Oceans Canada

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July 4, 2014

Mr. Ben Kovic Chairperson Nunavut Wildlife Management Board

Re: Nunavut Wildlife Management Board decision to approve the interim "Narwhal Flex Quota System" for implementation in the 2014-2015 narwhal fishery

Dear Mr. Kovic,

Thank you for your correspondence of May 30, 2014, in which you express the Nunavut Wildlife Management Board's (NWMB's) approval of the proposed interim "Narwhal Flex Quota System" for the 2014-2015 Nunavut narwhal fishery. I have also reviewed the NWMB's modified wording for the five-point narwhal quota carry-over rule. I understand that the purpose of these renditions were to make the rule clearer and more precise, with no intention of changing its meaning. Thus, I am pleased to inform the NWMB that I accept their decision to implement the interim "Narwhal Flex Quota System" only for the 2014-2015 harvest season.

My staff in Iqaluit will be working with the Regional Wildlife Organizations and Hunters and Trappers Organizations to implement the interim Flex Quota System in an organized and timely manner. Furthermore, Departmental officials look forward to sharing advice from the Canadian Science Advisory Secretariat concerning Phase Three of the "Marine Mammal Tag Transfer Policy" – "Marine Mammal Tag Transfer and Flex Quota System" upon its finalization.

I look forward to continued collaboration with the NWMB and its technical staff on narwhal comanagement issues.

Yours sincerely,

Larry Dow

Director, Northern Operations Fisheries and Oceans Canada

Igaluit, Nunavut

