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$$\Gamma\sigma^{\pm}C \quad \triangleleft^{\pm}\Delta\triangleright^{\pm}C;$$
[illegible]

1.  $\Delta L \propto \rho \cdot \Delta r \propto \Delta r$   $\Delta L \propto \Delta r$   $\Delta L \propto \Delta r$

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1.1 bnc)rc <acurc <ajqrbc>sr]c Δrlcr>ṅc

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$L_{\infty}^b(\mathbb{D}) \cap \mathcal{D}(\mathcal{A}) \subset \mathcal{D}(\mathcal{A}^{\frac{1}{2}})$

- [illegible]

1.2 ከጥንታዊ የሕግ ስርዓት አካል ሆኖ ይገለጻል

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1.4 ከገጽ ፩ ጀምሮ ለገጽ ፩ ድረስ 2

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$L_{\infty}^b(\mathbb{C}) \rightarrow L_{\infty}^c(\mathbb{C})$

- [illegible]

**1.5**     $b \cap c \subseteq d \iff b \subseteq d \vee c \subseteq d$      $L_{\text{set}}$     3

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[illegible]

$\Delta L \leq C_{\text{L}} \tau^{\frac{1}{2}}$ ,  $\Delta C \leq C_{\text{C}} \tau^{\frac{1}{2}}$ ,  $\Delta T \leq C_{\text{T}} \tau^{\frac{1}{2}}$ ,  $\Delta \rho \leq C_{\rho} \tau^{\frac{1}{2}}$ ,  $\Delta \mu \leq C_{\mu} \tau^{\frac{1}{2}}$ .

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$L_{\infty}^b(\mathbb{C}) \rightarrow L_{\infty}^c(\mathbb{C})$

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- 8

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2.1  $\Lambda^7 \subset \mathbb{C}P^7 \subset \mathbb{P}^7$   $\mathbb{P}^7$   $\mathbb{C}P^7$   $\mathbb{C}P^7$   $\mathbb{C}P^7$   $\mathbb{C}P^7$   $\mathbb{C}P^7$   $\mathbb{C}P^7$

[illegible]

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<sup>2</sup>  $\text{C}_{60}\text{H}_{12}\text{P}_6$ ,  $\text{C}_{60}\text{H}_{12}\text{P}_6$ ,  $\text{C}_{60}\text{H}_{12}\text{P}_6$   $\Delta\text{C}_{60}\text{H}_{12}\text{P}_6$  5.1.2(e), 5.1.3(a)(i)  $\Delta\text{C}_{60}\text{H}_{12}\text{P}_6$  (b)(i), (iii)  $\Delta\text{C}_{60}\text{H}_{12}\text{P}_6$  (v), 5.1.4  $\Delta\text{C}_{60}\text{H}_{12}\text{P}_6$  5.1.5.



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2.1.1 ንዋላታትን ለጥቅምታቸው

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<sup>3</sup>  $\mathcal{M} \in \mathcal{M}^{\text{loc}}_{\text{loc}} \Delta_{\text{loc}} 5.1.1.$

[illegible]

2.3  $\wedge^b \prec \Delta \triangleright \prec^c \triangleleft^a \vee \underline{\sigma}^a \sigma^c \rfloor^c \quad \underline{\sigma}^b \sigma^b \quad \Delta \rfloor \underline{\sigma}^b \triangleright \rfloor^c \quad \underline{\sigma}^b \rfloor \triangleleft^b \sigma^c \sigma^a \sigma^b \quad \triangleleft^a \vee \underline{\sigma}^a \sigma^c$

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2.3.1  $\supset \text{Pr} \vdash \Delta \text{Pr}^a \quad \text{L}_{\supset}^b \text{C} \vdash \Delta \text{C}^a \text{Pr}^c$

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2.4.1  $\supset \text{Pr} \vdash \Delta \text{Pr}^b \quad \text{L}_{\supset}^b \text{C} \triangleright \text{Pr} \triangleleft \text{C}^a \text{—} \text{Pr}^c$

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

2.6  $\Lambda^2 \mathbb{C}P^2 \subset \mathbb{C}P^2 \times \mathbb{C}P^2 \subset \mathbb{C}P^2 \times \mathbb{C}P^2 \subset \mathbb{C}P^2 \times \mathbb{C}P^2 \subset \mathbb{C}P^2 \times \mathbb{C}P^2$

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2.8 ጋዋንጋሪክ ልሳሳታዊ ሥራ ለጥራት ልማት ማረጋገጥ ለሚያስፈልጉት ስራዎች ለሚያስፈልጉት ሰራተኛ

$\lambda^b \leftarrow \langle \mathcal{D} \rangle_{\mathcal{L}^c}$      $\hat{\mathbf{b}} \leftarrow \mathcal{L} \cdot \mathbf{a}^s \leftarrow \mathcal{D}^c$      $\mathcal{D}^s \mathbf{p}^s \sigma^s \mathbf{p}^a \leftarrow \mathcal{D}^c$      $\mathcal{D}^s \mathbf{p}^a \mathcal{L}^a \sigma^s \mathbf{p}^c$      $\mathcal{L} \leftarrow \mathcal{L}^s \Gamma^b$      $\mathcal{D}^c \mathcal{L} \leftarrow$      $\mathcal{D} \leftarrow \mathcal{D}^s \mathbf{d} \leftarrow \mathcal{D}^c$

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2.8.1  $\exists x \exists y (x \neq y \wedge L(x, y) \wedge \neg L(y, x))$

[illegible]

L<sup>c</sup>b(▷ΓΔ<sup>c</sup> Δ<sup>L</sup>L▷ Δ)C<sup>s</sup>d<sup>c</sup> ΛC<sup>b</sup>b<sup>c</sup>><sup>c</sup> ααΔ<sup>c</sup>Cσ<sup>b</sup> bLJΓ▷Δσ<sup>b</sup> Δb<<sup>c</sup>)σ<sup>b</sup>  
 Δ<sup>a</sup>JΔr<sup>b</sup>)C<sup>r</sup>Δ<sup>c</sup> ΓΓC<sup>s</sup>ΓC<sup>s</sup>ΓC<sup>s</sup> <<sup>c</sup>αJΓσ<sup>b</sup>. ▷dσ<sup>a</sup> ΔC<sup>c</sup>:

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2.9.1 3D-Printed L-shaped Beam

$\mathcal{D}P\mathcal{R} \triangleright \mathcal{D}P\mathcal{C}^{\mathfrak{b}} \quad \wedge \mathcal{C}^{\mathfrak{b}} \supset \mathcal{C}^{\mathfrak{b}} \quad \triangleright \mathcal{C}^{\sigma} \quad \Delta \mathcal{C} \mathcal{P} \mathcal{R}^{\mathfrak{b}} \quad 2.1.1 \quad \mathfrak{d}^{\mathfrak{c}} \mathcal{C}^{\mathfrak{c}} \sigma \quad \triangleleft \mathcal{C}^{\mathfrak{b}} \supset \quad \Delta \mathcal{C}^{\mathfrak{a}} \mathcal{C}^{\mathfrak{b}} \mathcal{C}^{\mathfrak{a}} \mathcal{C}^{\mathfrak{b}}$   
 $\mathcal{L} \mathcal{C} \mathcal{C} \mathcal{D} \mathcal{P} \mathcal{C} \mathcal{C}^{\mathfrak{a}} \mathcal{C}^{\mathfrak{b}} \quad \Delta \mathcal{C} \mathcal{D} \mathcal{P} \mathcal{C} \mathcal{C}^{\mathfrak{b}} \quad \triangleright \mathcal{C}^{\sigma} \quad \Delta \mathcal{P} \mathcal{L} \mathcal{C} \mathcal{D} \mathcal{P} \mathcal{L} \mathcal{C}.$

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2.10.1  $\mathcal{D}P\Gamma\triangleright\Delta\cap C^b \quad L_{C^b}C\triangleright\Gamma\triangleleft C^a\text{-}\mathcal{D}^C$

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2.11.1  $\supset \text{Pr} \vdash \Delta \text{Pr}^{\text{q}} \quad \text{L}_{\supset}^{\text{b}} (\supset \text{Pr} \vdash \Delta \text{Pr}^{\text{a}}) \text{Pr}^{\text{c}}$

[illegible]

### 3. $\Delta \rightarrow \rho \pi \pi^0$

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ጋዖቹና ሚዲያዎች ላይ ማድረግ የሚችሉ ምርመራዎች (a) ላይ (b) ሊደረግ ይችላል፡፡

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### 3. ሰፊ ለጤ 2012 ፎርም ማረጋገጫ ምዕራፍ

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<sup>2</sup> ዲ.ሲ. ለ ሲ.ሮ.፡፪ ሳይክሎሎጂ - ልዩ ልዩ ልማት - ጋንዲናል፡፪ ልዩ ልዩ የዋና ርዕሰ ሐረግ፡፪























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### **1.1 Total allowable harvest decisions**

RESOLVED that the NWMB approve the following levels of total allowable harvest (TAH) for narwhal within the Nunavut Settlement Area, pursuant to Section 5.6.16 of the *Nunavut Land Claims Agreement*, subject to the conditions set out below:

- (a) A TAH of 532 for the Somerset Island narwhal stock;
- (b) A TAH of 233 for the Admiralty Inlet narwhal stock;
- (c) A TAH of 236 for the Eclipse Sound narwhal stock;
- (d) A TAH of 122 for the East Baffin Island narwhal stock;
- (e) A TAH of 157 for the Northern Hudson Bay narwhal population; and
- (f) A TAH of 50 for the Smith Sound, Jones Sound, Parry Channel narwhal stock/population.

#### **CONDITIONS:**

- (a) The levels of TAH and the narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;
- (b) DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;
- (c) Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) undertake to carry out the reporting necessary for such a review and assessment; and
- (d) Within six months of implementation of the TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI.

### **1.2 Total allowable harvest rule no. 1**

RESOLVED that, where a level of total allowable harvest (TAH) has been established for a narwhal stock or population in the Nunavut Settlement Area pursuant to the terms of Article 5 of the *Nunavut Land Claims Agreement* (NLCA), the NWMB approve the following TAH Rule in accordance with its authority under NLCA Sections 5.2.33 and 5.6.16:

The annual harvest of a narwhal stock or population subject to a level of TAH will not exceed that level of TAH.

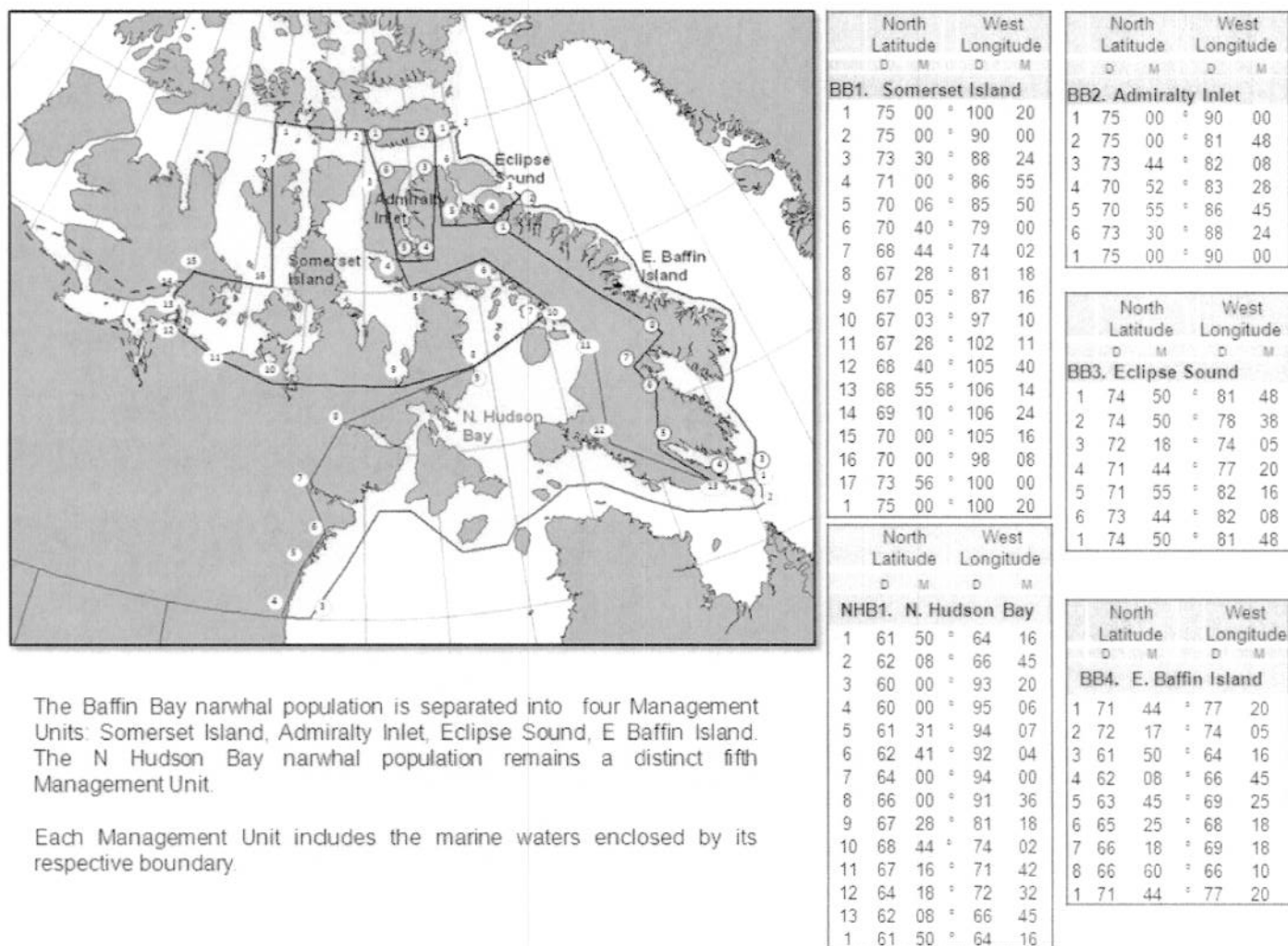


### **1.3 Non-quota limitation decision on areas of harvest**

RESOLVED that, pursuant to Section 5.6.48 of the *Nunavut Land Claims Agreement*, the NWMB approve the geographic coordinates outlined in Figure 1 below as the boundaries for the Somerset Island, Admiralty Inlet, Eclipse Sound, East Baffin Island and Northern Hudson Bay Management Units within the Nunavut Settlement Area (NSA), subject to the following conditions:

- (a) The boundaries of the Somerset Island Management Unit be extended to the western border of the NSA;
- (b) The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;
- (c) DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;
- (d) HTOs and RWOs undertake to carry out the reporting necessary for such a review and assessment; and
- (e) Within six months of implementation of the NWMB's 2012 narwhal TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI.

Figure 1. Geographic co-ordinates of proposed boundaries for narwhal Management units within the Nunavut Settlement Area (from Appendix Tab 13, p. 28).



#### 1.4 Total allowable harvest rule no. 2

RESOLVED that, where a level of total allowable harvest (TAH) has been established for a narwhal stock or population in the Nunavut Settlement Area pursuant to the terms of Article 5 of the *Nunavut Land Claims Agreement* (NLCA), the NWMB approve the following TAH Rule in accordance with its authority under NLCA Sections 5.2.33 and 5.6.16, subject to the conditions set out below:

Once a Community Harvest Limit (Limit) - as established annually by the Regional Wildlife Organization (RWO) - has been reached by a particular community for a

narwhal stock or population subject to a TAH, the community will not hunt that stock or population of narwhal beyond its Limit, unless provided formal approval by the RWO under the *Marine Mammal Tag Transfer Policy* established in accordance with the terms of NLCA Article 5.

CONDITIONS:

- (a) The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;
- (b) DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;
- (c) HTOs and RWOs undertake to carry out the reporting necessary for such a review and assessment; and
- (d) Within six months of implementation of the NWMB's 2012 narwhal TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI.

<b>1.5 Total allowable harvest rule no. 3</b>
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RESOLVED that, where a level of total allowable harvest (TAH) has been established for a narwhal stock or population in the Nunavut Settlement Area pursuant to the terms of Article 5 of the *Nunavut Land Claims Agreement* (NLCA), the NWMB approve the following TAH Rule in accordance with its authority under NLCA Sections 5.2.33 and 5.6.16:

The use of Marine Mammal Tags to harvest narwhal from a stock or population subject to a TAH will be restricted to the Management Unit for which the tags are issued.

<b>1.6 Non-quota limitation decision on seasons of harvest</b>
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RESOLVED that, pursuant to Section 5.6.48 of the *Nunavut Land Claims Agreement*, the NWMB approve the establishment of two distinct harvesting seasons - Summer-Season and Migratory-Season - for the East Baffin Island, Eclipse Sound and Admiralty Inlet Management Units, according to dates recommended annually by each Hunters and Trappers Organization (HTO) that harvests from the Management Unit within the Nunavut Settlement Area (NSA), subject to the following conditions:

- (a) The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;

- (b) DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;
- (c) HTOs and RWOs undertake to carry out the reporting necessary for such a review and assessment; and
- (d) Within six months of implementation of the NWMB's 2012 narwhal TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI.

<b>1.7 Total allowable harvest rule nos. 4 and 5</b>
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RESOLVED that, where a level of total allowable harvest (TAH) has been established for a narwhal stock or population in the Nunavut Settlement Area pursuant to the terms of Article 5 of the *Nunavut Land Claims Agreement* (NLCA), the NWMB approve the following TAH Rules in accordance with its authority under NLCA Sections 5.2.33 and 5.6.16, subject to the conditions set out below:

1. For communities using All-Season Marine Mammal Tags to harvest a narwhal stock or population subject to a TAH, the narwhal fishery in the relevant Management Unit will be closed once the sum of the All-Season Community Harvest Limits for that Unit are reached.
2. For communities using Summer-Season Marine Mammal Tags and Migratory-Season Marine Mammal Tags to harvest a narwhal stock or population subject to a TAH:
  - (a) The summer fishery in the relevant Management Unit will be closed when either of the following conditions is met:
    - (i) Once the Summer-Season Community Harvest Limit(s) within the relevant Management Unit are reached; or
    - (ii) Once the Summer-Season end dates specified on the Summer Season Marine Mammal Tags are reached; and
  - (b) The migratory fishery in the relevant Management Unit will be closed when either of the following conditions is met:
    - (i) Once the Migratory-Season Community Harvest Limit(s) within the relevant Management Unit are reached; or
    - (ii) Once the Migratory-Season end dates specified on the Migratory Season Marine Mammal Tag are reached.

CONDITIONS:

- (a) The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;
- (b) DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;
- (c) HTOs and RWOs undertake to carry out the reporting necessary for such a review and assessment; and
- (d) Within six months of implementation of the NWMB's 2012 narwhal TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI.

<b>1.8 Non-quota limitation decision and recommendation to reduce the number of struck and lost narwhal</b>
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RESOLVED that, pursuant to Section 5.6.48 of the *Nunavut Land Claims Agreement*, the NWMB approve the requirement for all narwhal hunting Hunters and Trappers Organizations (HTOs) to develop written plans that set out practical measures for community hunters to reduce the number of struck and lost narwhal while harvesting, subject to the following conditions:

- (a) DFO, the NWMB, NTI and GN DoE provide technical assistance, as necessary, to support the HTOs in the development of their written plans;
- (b) The development of the HTO written plans be accompanied by the following additional, complementary measures necessary to reduce the number of struck and lost narwhal while harvesting:
  - (i) DFO - working with relevant co-management partners - develop and support a monitoring program that will document accurate estimation of struck and loss rates of narwhal hunts from the floe-edge, ice crack and open water seasons;
  - (ii) Relevant co-management partners develop and support research projects to document the efficiency of current hunting equipment (rifles, ammunition, harpoons) in order to recommend improved methods and equipment to improve time to death rates for narwhal and other marine mammals; and
  - (iii) DFO, the NWMB, NTI and GN DoE collaborate in developing training materials (manuals, videos, workshops, etc.) that can be used to teach theoretical and practical aspects of hunting narwhal and other marine mammals.

In addition, the NWMB recommends that DFO engage in relevant national and international workshops with other marine mammal managers, to share and/or obtain knowledge and technology to reduce the number of struck and lost narwhal.

<b>1.9 Recommendation for annual harvest reporting by Regional Wildlife Organizations and Hunters and Trappers Organizations</b>
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The NWMB recommends, subject to the conditions set out below, that:

- (a) Each Hunters and Trappers Organization (HTO) notify its Regional Wildlife Organization (RWO) and DFO when the HTO's narwhal Community Harvest Limits are reached; and
- (b) Each RWO notify DFO when the sum of the narwhal Community Harvest Limits are reached in each Management Unit within the RWO's Region.

**CONDITIONS:**

- (a) The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;
- (b) DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;
- (c) HTOs and RWOs undertake to carry out the reporting necessary for such a review and assessment; and
- (d) Within six months of implementation of the NWMB's 2012 narwhal TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI.

<b>1.10 Recommendation that all narwhal tusks be professionally and promptly inspected and certified</b>
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The NWMB recommends that DFO require all tusks from landed narwhal in Nunavut to be professionally and promptly inspected and certified, subject to the following conditions:

- (a) Tusks be certified by a resident Conservation Officer, Fishery Officer or – where no such officer is resident in the community – an adequately trained community resident; and
- (b) The attachment device used to affix the Marine Mammal Tag to the tusk be designed and attached so as to not decrease the value of the tusk.



### **1.11 Decision to approve the *Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area***

RESOLVED that, pursuant to Sections 5.2.34(c) and (d)(i) of the *Nunavut Land Claims Agreement*, the NWMB approve the *Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area* (IFMP), including Appendix 4 of the IFMP (Marine Mammal Tag Transfer Policy, Phase One), subject to the following conditions:

- (a) Prior to its implementation, the IFMP be revised to reflect all relevant final approved or varied NWMB 2012 narwhal decisions;
- (b) The IFMP explicitly indicate that its Total Allowable Landed Catch recommendations, the narwhal management system based on summering stocks, and the overall IFMP itself will be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;
- (c) DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;
- (d) HTOs and RWOs undertake to carry out the reporting necessary for such a review and assessment; and
- (e) Within six months of implementation of the NWMB's 2012 TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI.

## **2. REASONS FOR THE NWMB DECISIONS AND RECOMMENDATIONS**

The NWMB's decisions and recommendations are based upon the most reliable and persuasive evidence and arguments received during the public hearing process. All of the written submissions filed and considered at the hearing are publicly available for download from the Board's website ([www.nwmb.com](http://www.nwmb.com)). In addition, the NWMB has produced a full transcript of the oral submissions, questions and answers delivered during the three day hearing. That transcript is available from the Board upon request. A brief summary of key points made during the hearing process – organized separately for each requested decision under the Proposal - is also attached to this letter as Appendix A.

In carrying out its deliberations, the NWMB carefully noted – and is in agreement with – the shared recognition by a number of the hearing parties of the following fundamental facts:

- (a) There are inconsistencies between the current narwhal management regime and the terms of NLCA Article 5;



- (b) All narwhal-hunting Nunavut communities wish to meet the requirements under the *Convention on the International Trade of Endangered Species of Fauna and Flora* (CITES) for the export of narwhal products internationally;
- (c) Both the inconsistencies with the NLCA and the CITES concerns require the development of a new Nunavut narwhal management system;
- (d) That new system must be guided by the NLCA Article 5 principles of conservation;
- (e) The system proposed by DFO includes a number of significant modifications and innovations, and includes essential new responsibilities for HTOs and RWOs; and
- (f) As a result, the new narwhal management system would benefit from a collaboratively-developed implementation plan and budget, as well as careful review and assessment.

## 2.1 Reasons for the total allowable harvest decisions

The reasons for the NWMB's approval of the five TAHs recommended by DFO are the following:

1. The Potential Biological Removal and Total Allowable Landed Catch (TALC) for each of the stocks and the population are based upon the best available scientific information, are precautionary, and reflect the NLCA principles of conservation. Accordingly, the NWMB is satisfied that the TALCs represent sustainable harvest limits within the Nunavut Settlement Area.
2. *Inuit Qaujimajatuqangit* confirms that narwhal populations in the Nunavut Settlement Area are healthy.
3. While the Baffin Bay narwhal population is considered to be shared between Greenland and Canada, DFO provided no substantive information concerning the Greenland harvest. In addition, DFO confirmed that there is no established narwhal fishery in Nunavik or Nunatsiavut.

The reasons for the NWMB's approval of the TAH recommended by the Iviq HTO for the Smith Sound - Jones Sound - Parry Channel narwhal stock/population are the following:

1. In considering and deciding upon a level of TAH, the NWMB is required to apply the best available information – be it scientific information, *Inuit Qaujimajatuqangit* (IQ),<sup>2</sup> or both. In this circumstance, there is no scientific

<sup>2</sup> See, for instance, NLCA Sections 5.1.2(e), 5.1.3(a)(i) and (b)(i), (iii) and (v), 5.1.4 and 5.1.5.

information available concerning this particular stock/population, due to the lack of any survey or satellite tagging data.

2. Up-to-date IQ from Grise Fiord is clear and unequivocal that narwhal there have increased significantly, that different pods frequent the area – and that these are generally composed of a mix of adults and young whales, including a number of females with calves.
3. The quota in Grise Fiord has remained unchanged since its establishment in 1975 – 37 years ago.
4. With so many narwhals present in the waters adjacent to Grise Fiord, the community quota is usually reached in the spring when the first pods migrate there. As a consequence, no narwhals are harvested from the additional pods that pass through during the summer and fall. The inability to harvest any narwhals in the summer or fall seasons is a hardship to the community.
5. This increase in the harvest level for narwhals will be subject to a thorough review – and potential adjustment – in approximately five years or earlier if circumstances require.

#### **2.1.1 Rationale for the conditions**

The decision conditions are included to, first of all, address the important lessons learned from the co-management partners' collective experience with Community-Based Management. This new, ambitious, innovative and complex narwhal management system must be guided by a detailed implementation plan, which includes a reasonable implementation budget. Without sufficient planning, funding, HTO and RWO capacity-building and training, and commitment and collaboration from all of the co-management partners, the new regime will not succeed.

Secondly, the new narwhal management system requires a formal, thorough review and assessment following an appropriate period of initial implementation. That formal review does not preclude the “*evergreen*” approach to the IFMP espoused by DFO. However, in the NWMB's view, it needs a level of monitoring, data collection, research and analysis sufficient to ensure that the review and assessment exercise produces useful results that will refine and strengthen the new system. Also crucial for success is the need to have consistent and comprehensive harvester reporting during the initial implementation period.

#### **2.2 Reasons for total allowable harvest rule no. 1**

A TAH Rule does not restrict or limit Inuit harvesting. Rather, the purpose of a TAH Rule is to help ensure that an approved (or varied) NWMB TAH decision - and the overall NLCA Article 5 allocation system of which it is a key part - is properly understood, implemented and followed.

If the NWMB establishes a level of TAH for a narwhal stock or population (as it has done for the various Nunavut stocks and population), the NLCA permits no harvests beyond the level of TAH: “*total allowable harvest*’ for a stock or population means an amount of wildlife able to be lawfully harvested as established by the NWMB...”<sup>3</sup>

This TAH Rule underlines that the annual harvest will not exceed the level of TAH established by the NWMB.

## **2.3 Reasons for the non-quota limitation decision on areas of harvest**

The reasons for NWMB approval of this non-quota limitation (NQL) are the following:

1. There are genetics, contaminants and satellite tracking data – as well as community information reporting physical and behavioural differences among narwhal – that support the idea of summering stocks within the Baffin Bay narwhal population.
2. Managing based on summering aggregation Management Units is intended to reduce the chance of local depletions and the loss of local genetic diversity.
3. Narwhal management based on different Management Units requires an NQL on the area of harvest for each of the summering stock Management Units, as well as for the Management Unit comprised of the entire Northern Hudson Bay population.

### **2.3.1 Rationale for the conditions**

The rationale included in subsection 2.1.1 above also applies to conditions (b) to (e) of this decision

With respect to condition (a), moving the Somerset Island Management Unit boundary to the western border of the NSA accounts for the ongoing westerly movement of narwhal.

## **2.4 Reasons for total allowable harvest rule no. 2**

A TAH Rule does not restrict or limit Inuit harvesting. Rather, the purpose of a TAH Rule is to help ensure that an approved (or varied) NWMB TAH decision - and the overall NLCA Article 5 allocation system of which it is a key part - is properly understood, implemented and followed.

If the NWMB establishes a level of TAH for a narwhal stock or population (as it has done for the various Nunavut stocks and population), the NLCA permits no harvests

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<sup>3</sup> NLCA S.5.1.1.

beyond the level of TAH: “*total allowable harvest*’ for a stock or population means an amount of wildlife able to be lawfully harvested as established by the NWMB...”

This TAH Rule seeks to help ensure that no stock or population TAH is exceeded – no matter the time of year or area of harvest – by underlining that once a community has reached a particular *Community Harvest Limit* (summer, migratory or all-season) in a specific Management Unit, the community will conduct no further hunts in that area during that season, unless provided formal approval by the RWO under the *Marine Mammal Tag Transfer Policy* established in accordance with the terms of NLCA Article 5.

#### **2.4.1 Rationale for the conditions**

The rationale included in subsection 2.1.1 above also applies to all of the conditions accompanying this decision.

### **2.5 Reasons for total allowable harvest rule no. 3**

A TAH Rule does not restrict or limit Inuit harvesting. Rather, the purpose of a TAH Rule is to help ensure that an approved (or varied) NWMB TAH decision - and the overall NLCA Article 5 allocation system of which it is a key part - is properly understood, implemented and followed.

If the NWMB establishes both a level of TAH for a narwhal stock or population and NQLs on the area of harvest for specific narwhal Management Units (as it has done for the various Nunavut stocks and population), the NLCA permits no harvests beyond the level of TAH, regardless of where the harvests take place: “*total allowable harvest*’ for a stock or population means an amount of wildlife able to be lawfully harvested as established by the NWMB...”

This TAH Rule helps to ensure that the level of TAH established by the Board is not exceeded, despite the management challenge of mixed harvest areas - by underlining that the use of Marine Mammal Tags to harvest narwhal from a stock or population subject to a TAH will be restricted to the Management Unit for which the tags are issued.

### **2.6 Reasons for the non-quota limitation decision on seasons of harvest**

The reasons for NWMB approval of this non-quota limitation (NQL) are the following:

1. Seasonal management of Nunavut narwhal stocks is necessary to ensure compliance with the principles of conservation, as well as to maximize the harvest permitted under the TAH. This is due to the complexity of stocks mixing in the migratory seasons and separating in the summer.
2. This NQL forms part of a narwhal management system in which RWOs and HTOs decide on community allocations. The integral involvement of RWOs and

HTOs in the Nunavut narwhal management system accords with the directions in NLCA Sections 5.7.3(b) and (d) and 5.7.6(b) and (d).

#### **2.6.1 Rationale for the conditions**

The rationale included in subsection 2.1.1 above also applies to all of the conditions accompanying this decision.

### **2.7 Reasons for total allowable harvest rule nos. 4 and 5**

A TAH Rule does not restrict or limit Inuit harvesting. Rather, the purpose of a TAH Rule is to help ensure that an approved (or varied) NWMB TAH decision - and the overall NLCA Article 5 allocation system of which it is a key part - is properly understood, implemented and followed.

If the NWMB establishes (i) a level of TAH for a narwhal stock or population, (ii) NQLs on the area of harvest for specific narwhal Management Units, and (iii) discrete seasons of harvest for certain Management Units (as it has done for the various Nunavut stocks and population), the NLCA permits no harvests beyond the level of TAH, regardless of where and/or when the harvests take place: “*total allowable harvest for a stock or population means an amount of wildlife able to be lawfully harvested as established by the NWMB...*”

This TAH Rule helps to ensure that the level of TAH established by the Board is not exceeded, despite the added management challenge of stocks mixing in particular Management Units during the migratory seasons and separating in the summer. To reduce the possibility of over-harvests, the TAH Rule underlines that, for each affected narwhal-hunting community:

- (a) The all-season narwhal fishery in a Management Unit closes once the *Community Harvest Limit* is reached; and
- (b) Each of the summer and migratory fisheries in a Management Unit closes once the *Community Harvest Limit* for the particular season is reached or the end date of that season is reached.

#### **2.7.1 Rationale for the conditions**

The rationale included in subsection 2.1.1 above also applies to all of the conditions accompanying this decision.

### **2.8 Reasons for the non-quota limitation decision to reduce the number of struck and lost narwhal**

The reasons for NWMB approval of this NQL and recommendation are the following:

1. Acknowledging that some hunting losses are inevitable when hunting narwhals, loss rates need to be minimized to ensure conservation – and to demonstrate proper management and control of the fishery.
2. While collaborative work amongst hunters and relevant co-management partners is necessary to reduce the number of struck and lost narwhal, an essential step at the community level is for HTOs to develop written plans that set out practical measures for their hunters to lower the number of struck and lost narwhal while harvesting.

### **2.8.1 Rationale for the conditions and recommendation**

The decision conditions are included to reflect the need for a comprehensive and collaborative approach to the goal of reducing the number of struck and lost Nunavut narwhal. Success in such an endeavour can not be achieved only through the development of HTO written plans to lower struck and lost numbers. All of the relevant co-management partners need to make a commitment.

The conditions and the recommendation comprise specific measures that are complementary to the HTO written plans. They include:

- Providing technical assistance to the HTOs in the development of their plans;
- The development and support of a monitoring program, and research projects leading to improved hunting methods and equipment;
- The development of training materials; and
- The sharing and acquisition of knowledge and technology to reduce the number of struck and lost narwhal.

### **2.9 Reasons for the recommendation for annual harvest reporting by Regional Wildlife Organizations and Hunters and Trappers Organizations**

This is not a proposed TAH decision, nor is it a proposed non-quota limitation decision or a proposed TAH Rule. The NWMB is being requested to require post-harvest reporting by RWOs and HTOs when relevant narwhal *Community Harvest Limits* are reached.

Such reporting is clearly important for Nunavut narwhal management, and both the *Marine Mammal Regulations* and the NLCA appear to provide DFO with ample authority to directly require the provision of the desired information.<sup>4</sup>

While this matter falls outside the NWMB's NLCA decision-making jurisdiction, the Board is pleased to provide a supporting recommendation because of the importance of

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<sup>4</sup> See, for instance, sections 17 and 24 of the *Marine Mammal Regulations*, and NLCA S.5.7.43.



the issue to narwhal management in Nunavut, and in response to DFO's request for decision.

The reasons for the NWMB's endorsement of this post-harvest reporting by RWOs and HTOs are the following:

1. Among a number of other measures, timely and accurate reporting of community narwhal harvesting is essential to help ensure that harvest levels remain within the TAH, and that individual stocks do not decline.
2. The new narwhal management system is dependent upon timely and accurate harvest reporting.
3. Inaccurate harvest reporting could pose a risk to the international tusk trade.

#### **2.9.1 Rationale for the conditions**

The rationale included in subsection 2.1.1 above also applies to all of the conditions accompanying this decision.

#### **2.10 Reasons for the recommendation that all narwhal tusks be professionally and promptly inspected and certified**

This is not a proposed TAH decision, nor is it a proposed non-quota limitation decision or a proposed TAH Rule. The NWMB is being requested to require post-harvest inspection and certification of tusks from landed narwhal. Inspection and certification are clearly important measures to help improve tusk traceability and support the responsible international trade of tusks. Such matters fall outside the Board's NLCA decision-making jurisdiction. Nevertheless, the Board is pleased to provide a supporting recommendation because of the importance of inspection and certification to both narwhal hunters and regulators, and in response to DFO's request for decision.

The reasons for the NWMB's endorsement of this post-harvest inspection and certification of narwhal tusks are the following:

1. This inspection and certification process represents an improvement in tusk traceability, and will contribute to more responsible international trade of tusks.
2. The new process will contribute to a more efficient and straightforward sale and trade of narwhal tusks – which will result in higher economic benefits to hunters.

#### **2.10.1 Rationale for the conditions**

Reflecting the concerns of a number of hearing parties, the recommendation conditions are included in order to help ensure:

- Timely inspection and certification, by having such tasks undertaken by a resident Conservation Officer, Fishery Officer or trained community member; and
- No decrease to the value of the tusk as a result of affixing the Marine Mammal Tag to the tusk.

#### **2.11 Reasons for the decision to approve the *Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area***

The reasons for NWMB approval of this plan for the management and protection of narwhal and narwhal habitat are the following:

1. The IFMP addresses inconsistencies between the current narwhal management regime and the terms of NLCA Article 5, and better meets the requirements under CITES for the export of narwhal products internationally.
2. The new Nunavut narwhal management system introduced by the IFMP includes a number of significant modifications and innovations, as well as essential new responsibilities for HTOs and RWOs.
3. The IFMP strengthens the conservation of Nunavut narwhal stocks and populations.

#### **2.11.1 Rationale for the conditions**

Decision rationale (a) is provided to ensure that the IFMP includes all relevant final approved or varied NWMB 2012 narwhal decisions. The rationale included in subsection 2.1.1 above applies to all of the other conditions accompanying this decision.

### **3. CONCLUSION**

Mr. Minister, the NWMB hereby forwards its decisions and recommendations to you, for your consideration pursuant to the terms of the NLCA. Mindful of DFO's intention to complete the NLCA decision-making process in time to implement the IFMP early in 2013, the Board looks forward to soon receiving your replies.

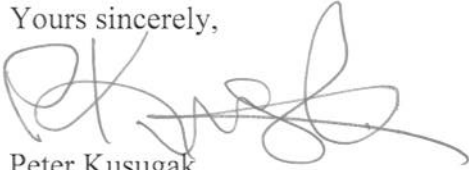
In the meantime, the NWMB wishes to congratulate you and your officials for the tremendous amount of work that DFO has devoted to the development of the IFMP and the new Nunavut narwhal management system that it describes. Of course, much still remains to be done: While the approval of the IFMP and its various components will mark the culmination of an intensive development and NLCA hearing and decision-



making phase, it will also signal the beginning of what will undoubtedly be a more ambitious – and very worthy – implementation and refinement phase. Please be assured that the Board stands ready to collaboratively work with the Department and its other co-management partners in order to ensure the success of the IFMP and the Nunavut narwhal management system.

If 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.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Kusugak', with a large, stylized initial 'P' and a long, sweeping horizontal stroke extending to the right.

Peter Kusugak,  
A/Chairperson of the  
Nunavut Wildlife Management Board



Ottawa, Canada K1A 0E6

OCT 15 2012

Mr. Peter Kusugak  
Acting Chairperson  
Nunavut Wildlife Management Board  
P.O. Box 1379  
Iqaluit, NU  
X0A 0H0

**Re: Nunavut Wildlife Management Board decisions and  
recommendations concerning the proposed *"Integrated Fisheries  
Management Plan for Narwhal in the Nunavut Settlement Area"*,**

Dear Mr. Kusugak:

Thank you for your correspondence of August 16, 2012, outlining decisions and recommendations made by the Nunavut Wildlife Management Board (Board) with respect to approval of an Integrated Fisheries Management Plan for narwhal within the Nunavut Settlement Area.

First, I would like to note that I appreciate the collaborative efforts and dedication of co-management organizations for the development of the Integrated Fisheries Management Plan for narwhal. I wish to commend the members of the Board and its staff for the timeliness, thoroughness and obvious thoughtfulness reflected in the decisions made in support of the narwhal Integrated Fisheries Management Plan. Working together in the spirit of co-management we have made great progress in the refinement of the narwhal management regime for Nunavut.

Pursuant to Section 5.3.18 of the Nunavut land Claims Agreement, I provide the following written reply and reasons for the response. I have addressed the decisions and the conditions separately as, my acceptance or rejection of each decision is not contingent on the fisheries management measures set out in the conditions. I have therefore provided clarifications and comments on the conditions which you can find at annex one.

**NWMB decisions 1.1 Total Allowable Harvest decisions:**

I am pleased to accept the Total Allowable Harvest level for the following:

- (a) "A TAH of 532 for the Somerset Island narwhal stock"
- (b) "A TAH of 233 for the Admiralty Inlet narwhal stock" .../2

- (c) "A TAH of 236 for the Eclipse Sound narwhal stock"
- (d) "A TAH of 122 for the East Baffin Island narwhal stock"

With regards to the Total Allowable Harvest of 157 for the Northern Hudson Bay narwhal population, I reject the decision to set a Total Allowable Harvest for the Nunavut Settlement Area of 157 on the basis that the Board has allocated the entire Total Allowable Landed Catch of 157 narwhal for the Northern Hudson Bay population as a Total Allowable Harvest for the Nunavut Settlement Area. I understand that the Nunavik Inuit provided submissions to the Integrated Fisheries Management Plan hearing indicating a desire to harvest narwhal from the Northern Hudson Bay population that migrate into the Nunavik Marine Region. Similar desires have been made to Fisheries and Oceans Canada by the Nunavik Inuit for several years. The recommended sustainable harvest level for the Northern Hudson Bay narwhal population is 157; the Board's decision to allocate the entire amount as a Total Allowable Harvest for the Nunavut Settlement Area does not take into account the narwhal harvesting rights of the Nunavik and Labrador Inuit.

Regarding the *TAH of 50 for the Smith Sound, Jones Sound, Parry Channel narwhal stock/population*", I understand that the Department is moving forward on a priority basis to produce current stock status and abundance advice with respect to the Smith Sound, Jones Sound, Parry Channel narwhal stock/population and that, when this information is available in 2014, the Total Allowable Harvest may be reviewed and modified if necessary. In the interim, I accept the Board's recommendation to set the *TAH for the Smith Sound, Jones Sound, Parry Channel at 50 narwhal*.

Please note, however, that the Department has concerns with respect to an interim increase from 20 to 50 narwhals in the absence of scientific information, particularly in light of international opinion and the potential implications to international market access for all narwhal products harvested in the Arctic. Further, the acceptance of this recommendation to increase harvest level to 50 narwhal should not be construed as a change to the current non-detrimental status for this stock/population. Therefore, the current decision to not provide a non-detrimental finding for narwhal in Smith Sound, Jones Sound and Parry Channel remain until further scientific assessment is completed.

It is important to note that timely and accurate report of narwhal landings and struck and lost is required and that this report should be evaluated annually as described under the fishery review provisions identified in the Integrated Fisheries Management Plan and modified appropriately if deleterious stock effects are indicated as a part of this annual review. In addition, Grise Fiord hunters can assist with the accelerated delivery of stock assessment information by providing biological samples from their landed narwhals.

**NWMB decision 1.2 Total Allowable Harvest rule no.1:**

- “The annual harvest of a narwhal stock or population subject to a level of TAH will not exceed that level of TAH”- I accept this decision.

**NWMB decision 1.3 Non-Quota Limitation decision on areas of harvest:**

- “...the NWMB approve the geographic coordinates outlined in Figure 1 (of the DFO Request for Decision) as the boundaries for the Somerset Island, Admiralty Inlet, Eclipse Sound, East Baffin Island and Northern Hudson Bay Management Units within the Nunavut Settlement Area (NSA), subject to the following conditions:” – I accept this decision on the boundaries for the management units within the Nunavut Settlement Area.

**NWMB decision 1.4 Total Allowable Harvest rule no. 2:**

- “Once a Community Harvest Limit (Limit) – as established annually by the Regional Wildlife Organization (RWO) – has been reached by a particular community for a narwhal stock or population subject to a TAH, the community will not hunt that stock or population of narwhal beyond its Limit, unless provided formal approval by the RWO under the Marine Mammal Tag Transfer Policy established in accordance with the terms of NLCA Article 5” - I accept this decision.

**NWMB decision 1.5 Total Allowable Harvest rule no. 3:**

- “...The use of Marine Mammal Tags to harvest narwhal from a stock or population subject to a TAH will be restricted to the Management Unit for which the tags are issued.”- I accept this decision.

**NWMB decision 1.6 Non-Quota Limitation decision on seasons of harvest:**

- “...approve the establishment of two distinct harvesting seasons – Summer-Season and Migratory-Season – for the East Baffin Island, Eclipse Sound and Admiralty Inlet Management Units, according to dates recommended annually by each Hunters and Trappers Organization (HTO) that harvests from the Management Unit within the Nunavut Settlement Area (NSA) subject to the following conditions:” – I accept this Non Quota Limitation decision.

**NWMB decision 1.7 Total Allowable Harvest rule nos. 4 and 5:**

1. “... the NWMB approve the following TAH Rules in accordance with its authority under NLCA Sections 5.2.33 and 5.6.16, subject to the conditions set out below”:

- (a) *"For communities using All-Season Marine Mammal Tags to harvest a narwhal stock or population subject to a TAH, the narwhal fishery in the relevant Management Unit will be closed once the sum of the All-Season Community Harvest Limits for that Unit are reached." - I accept the decision that a narwhal fishery be closed once the sum of the All-Season Community Harvest Limits for the relevant Management Unit is reached.*
- 2. *"For communities using Summer-Season Marine Mammal Tags and Migratory-Season Marine Mammal Tags to harvest a narwhal stock or population subject to a TAH"*
  - (a) *The summer fishery in the relevant Management Unit will be closed when either of the following conditions is met:*
    - i. *Once the Summer-Season Community Harvest Limit(s) within the relevant Management Unit are reached; or*
    - ii. *Once the Summer-Season end dates specified on the Summer Season Marine Mammal Tags are reached; - I accept the decision that a summer fishery be closed once the Summer-Season Community Harvest Limit(s) within the relevant Management Unit are reached, or once the Summer-Season end dates specified on the Summer Season Marine Mammal Tags are reached,*  
*and*
  - (b) *The migratory fishery in the relevant Management Unit will be closed when either of the following conditions is met:*
    - i. *Once the Migratory-Season Community Harvest Limits(s) within the relevant Management Unit are reached; or*
    - ii. *Once the Migratory-Season end dates specified on the Migratory Season Marine Mammal Tag are reached." - I accept the decision that a migratory fishery be closed once the Migratory-Season Community Harvest Limits(s) within the relevant Management Unit are reached; or once the Migratory-Season end dates specified on the Migratory Season Marine Mammal Tag are reached.*

**NWMB decision 1.8 Non-Quota Limitation decision and recommendation to reduce the number of struck and lost narwhal:**

- "... approve the requirement for all narwhal hunting Hunters and Trappers Organizations (HTO's) to develop written plans that set out practical measures for community hunters to reduce the number of struck and lost narwhal while harvesting, subject to the following conditions:" - I accept the decision that all narwhal hunting Hunters and Trappers Organizations develop written plans related to struck and lost narwhal.

*In addition, the NWMB recommends that DFO engage in relevant national and international workshops with other marine mammal managers, to share and/or obtain knowledge and technology to reduce the number of struck and lost narwhal."* - The Department attends relevant national and international meetings and workshops with other marine mammal managers such as the Joint Commission for the Conservation and Management of Narwhal and Beluga, North Atlantic Marine Mammal Commission, International Whaling Commission, and the Society for Marine Mammalogy. The Department will continue to do so as appropriate to its mandate and engage co-management partners in these processes accordingly.

**NWMB recommendation 1.9: Recommendation for annual harvest reporting by Regional Wildlife Organizations and Hunters and Trappers Organizations:**

- " The NWMB recommends, subject to the conditions set out below, that:
  - a) Each Hunters and Trappers Organization (HTO) notify its Regional Wildlife Organization (RWO) and DFO when the HTO's narwhal Community Harvest Limits are reached; - I agree with the recommendation that each Hunters and Trappers Organization notify its Regional Wildlife Organization and Fisheries and Oceans Canada when the Hunters and Trappers Organization's narwhal Community Harvest Limits are reached,  
and
  - b) Each RWO notify DFO when the sum of the narwhal Community Harvest Limits are reached in each Management Unit within the RWO's Region." – I agree with the recommendation that each Regional Wildlife Organization notify Fisheries and Oceans Canada when the sum of the narwhal Community Harvest Limits are reached in each Management Unit within the Regional Wildlife Organization's Region.

**NWMB recommendation 1.10: Recommendation that all narwhal tusks be professionally and promptly inspected and certified:**

- *"The NWMB recommends that DFO require all tusks from landed narwhal in Nunavut be professionally and promptly inspected and certified, subject to the following conditions:"* I agree with this recommendation, with the following clarifications to the conditions.

*Conditions:*

- (a) *"Tusks be certified by a resident Conservation Officer, Fishery Officer or – where no such officer is resident in the community – an adequately trained community resident; and"* – For clarification, where no Conservation Officer or Fishery Officer is available, members of "V" Division Royal Canadian Mounted Police will certify tusks. The Royal Canadian Mounted Police has indicated willingness to engage in this service as a part of relationship building with the communities they serve.
- (b) *"The attachment device used to affix the Marine Mammal Tag to the tusk be designed and attached so as to not decrease the value of the tusk."* I note that the Department continues to work with exporters in the refinement of a permanent attachment device to develop a process as functional as possible to the needs of harvesters, exporters and Convention on International Trade of Endangered Species.

**NWMB decision 1.11: Decision to approve the Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area:**

- *"...the NWMB approve the Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area (IFMP), including Appendix 4 of the IFMP (Marine Mammal Tag Transfer Policy, Phase One), subject to the following conditions:"* – I accept the decision to approve the Integrated Fisheries Management Plan for narwhal in the Nunavut Settlement Area, including Appendix 4 of the Integrated Fisheries Management Plan.

I hope by the detailed response provided to each of the Board's decisions, conditions and recommendations, it will be clear that I concur in principle with the majority of decisions and recommendations the Board has made in this matter. I hope this level of detail is sufficient to effectively and efficiently assist the Board in making its final decisions in a timely manner. If it is not, or you require greater clarification, please contact Dave Burden, A/Regional Director General, Central and Arctic Region for assistance.

Once again, I wish to congratulate the Board and its staff for their efforts in helping us achieve the considerable headway we have made to date under challenging timelines. It is the result of a concerted and genuine commitment by all of the co-management partners to work together. The Department looks forward to our continuing collaboration as we implement this new narwhal management regime in the Nunavut Settlement Area.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Ashfield", written in a cursive style.

Keith Ashfield

Attachment



**Fisheries and Oceans Clarification on Conditions put forward by the Nunavut Wildlife Management Board.**

**Conditions following the Nunavut Wildlife Management Board Total Allowable Harvest decisions 1.1:**

I note the following clarifications on the conditions.

*Conditions:*

- (a) *“The levels of TAH and the narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require”* – As with all Integrated Fisheries Management Plans, the Department expects that the management system will be reviewed and assessed regularly to ensure effective management. I note that the narwhal Integrated Fisheries Management Plan has provision for annual post-harvest season performance review and that Integrated Fisheries Management Plan documents can be modified at any time to reflect any necessary management changes if circumstances require.
- (b) *“DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment”* – To clarify my understanding, “monitoring, data collection, research and analysis” refers to the Department’s duties and responsibilities with respect to management of the narwhal fishery under the Integrated Fisheries Management Plan.
- (c) *“Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) undertake to carry out the reporting necessary for such a review and assessment”* – My Department recognizes the fundamental roles Regional Wildlife Organizations and Hunters and Trappers Organizations play within the management regime and fully supports and recognizes the need for timely and accurate reporting for the successful implementation of the management regime.
- (d) *“Within six months of implementation of the TAH decisions, DFO put in place a 2013-2017 Implementation Plan and budget for the new narwhal management system, developed in collaboration with the NWMB and NTI”* – I understand that the Department has begun drafting an implementation plan for the narwhal Integrated Fisheries Management Plan, which will be further developed in consultation with the Nunavut Wildlife Management Board, Nunavut Tunngavik Incorporated, the Government of Nunavut Department of Environment and the Regional Wildlife Organizations. Budgetary commitments will be identified through the consultative process and included in the plan as it develops.

**Nunavut Wildlife Management Board decision 1.3 Non-Quota Limitation decision on areas of harvest:**

I note the following clarifications on the conditions.

*Conditions:*

- a) *"The boundaries of the Somerset Island Management Unit be extended to the western border of the NSA"* – I note that there is currently very little information on the occurrence or stock status of narwhal west of the coordinates specified in the Department's submission, and that future scientific surveys of the Somerset Island Management Unit are likely to focus on the locations where local knowledge and harvesting activity indicate that narwhal aggregate in the summer.
- b) *"DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment"* – To clarify my understanding, "monitoring, data collection, research and analysis" refers to the Department's duties and responsibilities with respect to management of the narwhal fishery under the Integrated Fisheries Management Plan.
- c) *"Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) undertake to carry out the reporting necessary for such a review and assessment"* – My Department recognizes the fundamental roles Regional Wildlife Organizations and Hunters and Trappers Organizations play within the management regime and fully supports and recognizes the need for timely and accurate reporting for the successful implementation of the management regime.
- d) *"Within six months of implementation of the TAH decisions, DFO put in place a 2013-2017 Implementation Plan and budget for the new narwhal management system, developed in collaboration with the NWMB and NTI"* – I understand that the Department has begun drafting an implementation plan for the narwhal Integrated Fisheries Management Plan, which will be further developed in consultation with the Nunavut Wildlife Management Board, Nunavut Tunngavik Incorporated, the Government of Nunavut Department of Environment and the Regional Wildlife Organizations. Budgetary commitments will be identified through the consultative process and included in the plan as it develops.

**Nunavut Wildlife Management Board decision 1.4 Total Allowable Harvest rule no. 2:**

I note the following clarifications on the conditions.

*Conditions:*

- (a) *"The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require"* - As with all Integrated Fisheries Management Plans, the Department expects that the management system will be reviewed and assessed regularly to ensure effective management. I note that the narwhal Integrated Fisheries Management Plan has provision for annual

post-harvest season performance review and that Integrated Fisheries Management Plan documents can be modified at any time to reflect any necessary management changes if circumstances require.

- (b) *“DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment”* – To clarify my understanding, “monitoring, data collection, research and analysis” refers to the Department’s duties and responsibilities with respect to management of the narwhal fishery under the Integrated Fisheries Management Plan.
- (c) *“Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) undertake to carry out the reporting necessary for such a review and assessment”* – My Department recognizes and supports the fundamental roles RWOs and HTOs play within the management regime and fully supports and recognizes the need for timely and accurate reporting for the successful implementation of the management regime.
- (d) *“Within six months of implementation of the TAH decisions, DFO put in place a 2013-2017 Implementation Plan and budget for the new narwhal management system, developed in collaboration with the NWMB and NTI”* – I understand that DFO has begun drafting an implementation plan for the narwhal Integrated Fisheries Management Plan, which will be further developed in consultation with the Nunavut Wildlife Management Board, Nunavut Tunngavik Incorporated, the Government of Nunavut Department of Environment and the Regional Wildlife Organizations. Budgetary commitments will be identified through the consultative process and included in the plan as it develops.

**Nunavut Wildlife Management Board decision 1.6 Non-Quota Limitation decision on seasons of harvest:**

I note the following clarifications on the conditions.

*Conditions:*

- (a) *“The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require”* - As with all Integrated Fisheries Management Plans, the Department expects that the management system will be reviewed and assessed regularly to ensure effective management. I note that the narwhal Integrated Fisheries Management Plan has provision for annual post-harvest season performance review and that Integrated Fisheries Management Plan documents can be modified at any time to reflect any necessary management changes if circumstances require.
- (b) *“DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment”* – To clarify my understanding, “monitoring, data collection, research and analysis” refers to the department’s duties and responsibilities with respect to management of the narwhal fishery under the Integrated Fisheries Management Plan.

- (c) *“Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) undertake to carry out the reporting necessary for such a review and assessment”* – My department recognizes and supports the fundamental roles Regional Wildlife Organizations and Hunters and Trappers Organizations play within the management regime and fully supports and recognizes the need for timely and accurate reporting for the successful implementation of the management regime.
- (d) *“Within six months of implementation of the TAH decisions, DFO put in place a 2013-2017 Implementation Plan and budget for the new narwhal management system, developed in collaboration with the NWMB and NTI”* – I understand that the Department has begun drafting an implementation plan for the narwhal Integrated Fisheries Management Plan, which will be further developed in consultation with the Nunavut Wildlife Management Board, Nunavut Tunngavik Incorporated, the Government of Nunavut Department of Environment and the Regional Wildlife Organizations. Budgetary commitments will be identified through the consultative process and included in the plan as it develops.

**Nunavut Wildlife Management Board decision 1.7 Total Allowable Harvest rule nos. 4 and 5:**

With respect to the conditions, I note the following clarifications.

*Conditions:*

- (a) *“The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require”* - As with all Integrated Fisheries Management Plans, the Department expects that the management system will be reviewed and assessed regularly to ensure effective management. I note that the narwhal Integrated Fisheries Management Plan has provision for annual post-harvest season performance review and that Integrated Fisheries Management Plan documents can be modified at any time to reflect any necessary management changes if circumstances require.
- (b) *“DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment”* – To clarify my understanding, “monitoring, data collection, research and analysis” refers to the Department’s duties and responsibilities with respect to management of the narwhal fishery under the Integrated Fisheries Management Plan.
- (c) *“Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) undertake to carry out the reporting necessary for such a review and assessment”* – My Department recognizes and supports the fundamental roles RWOs and HTOs play within the management regime and fully supports and recognizes the need for timely and accurate reporting for the successful implementation of the management regime.
- (d) *“Within six months of implementation of the TAH decisions, DFO put in place a 2013-2017 Implementation Plan and budget for the new narwhal*

*management system, developed in collaboration with the NWMB and NTI” – I understand that the Department has begun drafting an implementation plan for the narwhal Integrated Fisheries Management Plan, which will be further developed in consultation with the Nunavut Wildlife Management Board, Nunavut Tunngavik Incorporated, the Government of Nunavut Department of Environment and the Regional Wildlife Organizations. Budgetary commitments will be identified through the consultative process and included in the plan as it develops.*

**Nunavut Wildlife Management Board decision 1.8 Non-Quota Limitation decision and recommendation to reduce the number of struck and lost narwhal:**

I note the following clarifications on the conditions.

*Conditions:*

- (a) “DFO, the NWMB, NTI and GN DoE provide technical assistance, as necessary, to support the HTOs in the development of their written plans;” – The Department can provide technical assistance to support the Hunters and Trappers Organizations as necessary.*
- (b) “The development of the HTO written plans be accompanied by the following additional, complementary measures necessary to reduce the number of struck and lost narwhal while harvesting”*
  - i. “DFO – working with relevant co-management partners – develop and support a monitoring program that will document accurate estimation of struck and loss rates of narwhal hunts from the floe-edge, ice crack and open water seasons;” – The Department expects this will be a deliverable from the upcoming Nunavut Wildlife Management Board struck and loss workshop. As you are aware, the Department has conducted research projects documenting loss rates during floe edge narwhal hunts in Arctic Bay (2007) and open water narwhal hunts in Repulse Bay (2008, 2009) and Qikiqtarjuaq (2011).*
  - ii. “Relevant co-management partners develop and support research projects to document the efficiency of current hunting equipment (rifles, ammunition, harpoons) in order to recommend improved methods and equipment to improve time to death rates for narwhal and other marine mammals; and” – The Department expects this will be discussed amongst the participants of the upcoming Nunavut Wildlife Management Board struck and loss workshop. The Department expects that one of the co-management partners will take a lead role in carrying out this work.*
  - iii. “DFO, the NWMB, NTI and GN DoE collaborate in developing training materials (manuals, videos, workshops, etc.) that can be used to teach theoretical and practical aspects of hunting narwhal and other marine mammals.” – The Department will continue its efforts to collaborate in developing appropriate information/training/reporting materials for the implementation of the narwhal management system.*

**Nunavut Wildlife Management Board recommendation 1.9: Recommendation for annual harvest reporting by Regional Wildlife Organizations and Hunters and Trappers Organizations:**

I note the following clarifications on the conditions.

*Conditions:*

- (a) *“The narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require”* - As with all Integrated Fisheries Management Plans, the Department expects that the management system will be reviewed and assessed regularly to ensure effective management. I note that the narwhal Integrated Fisheries Management Plan has provision for annual post-harvest season performance review and that Integrated Fisheries Management Plan documents can be modified at any time to reflect any necessary management changes if circumstances require.
- (b) *“DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment”* – To clarify my understanding, “monitoring, data collection, research and analysis” refers to the Department’s duties and responsibilities with respect to management of the narwhal fishery under the Integrated Fisheries Management Plan.
- (c) *“Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) undertake to carry out the reporting necessary for such a review and assessment.”* – My Department recognizes and supports the fundamental roles Regional Wildlife Organizations and Hunters and Trappers Organizations play within the management regime and fully supports and recognizes the need for timely and accurate reporting for the successful implementation of the management regime.
- (d) *“Within six months of implementation of the TAH decisions, DFO put in place a 2013-2017 Implementation Plan and budget for the new narwhal management system, developed in collaboration with the NWMB and NTI”* – I understand that the Department has begun drafting an implementation plan for the narwhal Integrated Fisheries Management Plan, which will be further developed in consultation with the Nunavut Wildlife Management Board, Nunavut Tunngavik Incorporated, the Government of Nunavut Department of Environment and the Regional Wildlife Organizations. Budgetary commitments will be identified through the consultative process and included in the plan as it develops.

**Nunavut Wildlife Management Board decision 1.11: Decision to approve the Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area:**

I note the following clarifications on the conditions.

*Conditions:*

- (a) *Prior to its implementation, the IFMP be revised to reflect all relevant final approved or varied NWMB 2012 narwhal decisions;”* – The Department

**Nunavut Wildlife Management Board decision 1.11: Decision to approve the Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area:**

I note the following clarifications on the conditions.

Conditions:

- (a) *Prior to its implementation, the IFMP be revised to reflect all relevant final approved or varied NWMB 2012 narwhal decisions;* – The Department expects that, where appropriate all final approved or varied Board decisions will be reflected in the narwhal Integrated Fisheries Management Plan.
- (b) *“The IFMP explicitly indicate that its Total Allowable Landed Catch recommendations, the narwhal management system based on summering stocks, and the overall IFMP itself will be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;”* – As with all Integrated Fisheries Management Plans, the Department expects that the management system will be reviewed and assessed regularly to ensure effective management. I note that the narwhal Integrated Fisheries Management Plan has provision for annual post-harvest season performance review and that Integrated Fisheries Management Plan documents can be modified at any time to reflect any necessary management changes if circumstances require.
- (c) *“DFO undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;”* – To clarify my understanding, “monitoring, data collection, research and analysis” refers to the Department’s duties and responsibilities with respect to management of the narwhal fishery under the Integrated Fisheries Management Plan.
- (d) *“HTOs and RWOs undertake to carry out the reporting necessary for such a review and assessment; and”* – My Department recognizes and supports the fundamental roles Regional Wildlife Organizations and Hunters and Trappers Organizations play within the management regime and fully supports and recognizes the need for timely and accurate reporting for the successful implementation of the management regime.
- (e) *“Within six months of implementation of the NWMB’s 2012 TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI.”* – I understand that the Department has begun drafting an implementation plan for the narwhal Integrated Fisheries Management Plan, which will be further developed in consultation with the Nunavut Wildlife Management Board, Nunavut Tunngavik Incorporated, the Government of Nunavut Department of Environment and the Regional Wildlife Organizations. Budgetary commitments will be identified through the consultative process and included in the plan as it develops.



February 14<sup>th</sup> 2013

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

Dear Minister Ashfield:

**Re: Nunavut Wildlife Management Board final decision concerning the establishment of a total allowable harvest for the Northern Hudson Bay narwhal population, in connection with its approval of the “Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area”**

## 1. THE NWMB FINAL DECISION

On January 15<sup>th</sup> 2013, the Nunavut Wildlife Management Board (NWMB or Board) held a decision meeting in Iqaluit, for the purpose of reaching a final decision with respect to the proposed level of regional total allowable harvest (TAH) for the Northern Hudson Bay (NHB) narwhal population in the Nunavut Settlement Area (NSA). During that meeting, the NWMB once again reviewed all of the relevant written and oral arguments and evidence of the various parties at the original public hearing (held from July 24<sup>th</sup> to 26<sup>th</sup> 2012). The Board also carefully considered your October 15<sup>th</sup> 2012 reason for rejection of its initial decision, as well as the additional December 2012 written submissions received from Makivik Corporation (Makivik), the Nunavik Marine Region Wildlife Board (NMRWB) and Nunavut Tunngavik Inc. (NTI).<sup>1</sup>

After completing their deliberations, the members unanimously decided to revise the Board’s initial decision. The precise wording of the NWMB’s resolution/final decision is set out immediately below.

<sup>1</sup> A brief summary of the above-referenced evidence and arguments is attached to this letter as Appendix I. In addition, the NWMB’s initial August 16<sup>th</sup> 2012 decision correspondence to you – including a brief summary of key points made during the public hearing process - is attached as Appendix II. Your disallowance letter is attached as Appendix III. All of the written submissions received and considered at the hearing, as well as the three additional written submissions delivered following the Board’s receipt of your disallowance letter, are publicly available for download from the Board’s website ([www.nwmb.com](http://www.nwmb.com)). In addition, the NWMB has produced a full transcript of the oral submissions and questions and answers delivered during the three day hearing. That transcript is available upon request.



Pursuant to Section 5.3.21 of the *Nunavut Land Claims Agreement* (NLCA), the NWMB hereby forwards that decision to you.

**RESOLVED** that, pursuant to Sections 5.6.16 and 5.6.17(b) of the *Nunavut Land Claims Agreement* (NLCA), the NWMB approve a regional total allowable harvest of 157 for the Northern Hudson Bay (NHB) narwhal population, including an allocation of up to 10 narwhal to Nunavik Inuit - to be harvested in Area A of the *Areas of Equal Use and Occupancy*,<sup>2</sup> or transferred in whole or in part to the Nunavik Marine Region - pending:

- (a) The outcome of discussions between Nunavut Tunngavik Inc. and Makivik Corporation with respect to a sharing arrangement for the NHB narwhal population between Nunavut and Nunavik, and subsequent NLCA and *Nunavik Inuit Land Claims Agreement* decision-making; and
- (b) The potential issuance of a proposal from Makivik Corporation and/or Government (Department of Fisheries and Oceans) for a Nunavik Inuit Basic Needs Level for the NHB narwhal population in Area A of the *Areas of Equal Use and Occupancy*, and subsequent NLCA decision-making.

For greater certainty, please note that clauses (a) and (b) form an integral part of the Board's decision.

**In addition, the NWMB recommends that all relevant management measures and reporting requirements set out in the *Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area* (IFMP) apply to all Nunavik Inuit harvests of NHB narwhal in the Nunavik Marine Region.**

## **2. THE MINISTER'S REASON FOR REJECTION OF THE INITIAL NWMB DECISION**

You provided a single reason for rejecting the NWMB's initial decision: "*The recommended sustainable harvest level for the Northern Hudson Bay narwhal population is 157; the Board's decision to allocate the entire amount as a Total Allowable Harvest for the Nunavut Settlement Area does not take into account the narwhal harvesting rights of the Nunavik and Labrador Inuit.*" In addition, you pointed out that Nunavik Inuit had provided submissions at the hearing "...indicating a desire to harvest narwhal from the Northern Hudson Bay population that migrate into the Nunavik Marine Region..."

## **3. THE DECEMBER 2012 HEARING SUBMISSIONS**

After receiving and reviewing the NWMB's original decision letter and the Minister's reply correspondence, three of the hearing parties filed written submissions with respect to the level of TAH for the NHB narwhal population.

NTI indicated that it is in discussions with Makivik "...to arrange for sharing of the NWMB TAH until the Nunavik Marine Wildlife Management Board [sic] sets a TAH for the Nunavik Marine Region and

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<sup>2</sup> Area A is located around – and includes – Nottingham and Salisbury Islands.

*the regime to manage wildlife in the Area of Equal Use and Occupancy is settled. Discussions are proceeding well, and NTI has provided Makivik with a draft agreement which NTI hopes will be finalized in January 2013. On this basis, NTI submits that the NWMB and Minister should maintain the TAH for the NSA at 157.”*

Makivik submitted “...that an allocation of ten (10) narwhal from the North Hudson Bay stock for Nunavik Inuit would, at this point in time, be sufficient to ensure that Nunavik Inuit harvesting rights are respected...”

The NMRWB reported that the Regional Nunavimmi Umajulivijiit Katujiqatigininga has requested a Nunavik harvest of 20 narwhal. At the oral hearing, the NMRWB’s Chairperson further explained that “...We’re not trying to take away the Nunavut allocations...So even if we added 20 to the 157, then you’d have 24 communities that would be equitable from our point of view...”<sup>3</sup> In its December 2012 written submission, the NMRWB wrote that it was disappointed by the Board’s initial decision, and that “...the NWMB’s final decision must take into account that Nunavik Inuit will hunt narwhal, the exact number of which will be determined in the coming months...” The NMRWB also indicated that it had previously requested that Makivik and NTI strike a sharing arrangement between the two land claim areas.

#### **4. THE NWMB’s RECONSIDERATION IN LIGHT OF THE MINISTER’S REASON TO REJECT AND THE DECEMBER HEARING SUBMISSIONS**

Upon reconsideration, the NWMB accepts that - based on the best available information to date and the precautionary approach - the sustainable harvest level for the NHB narwhal population is 157. Accordingly, a TAH of 157 for only the NSA would necessarily mean a prohibition on harvesting outside the NSA. The Board also agrees that Nunavik Inuit have both a right and a stated intention to harvest narwhal in the Nunavik Marine Region (NMR). As a result, the Board has concluded that its final decision must take into account the harvesting of NHB narwhal both inside and outside the NSA.

With respect to Labrador Inuit, the NWMB is required by NLCA S.5.3.4 to “...take account of harvesting activities outside the Nunavut Settlement Area and the terms of domestic interjurisdictional agreements or international agreements pertaining to such wildlife.” The Board has done so, and its understanding is that there is no narwhal fishery in Nunatsiavut. In addition, the NWMB has received no inquiries, notices, submissions or any other indications from Labrador Inuit or from Government concerning an interest by Labrador Inuit in harvesting narwhal or in obtaining an allocation from the NHB narwhal population.

The NWMB is pleased that NTI and Makivik are actively discussing a draft agreement to share the TAH established by the NWMB until such time as the NMRWB establishes a total allowable take for the NMR, and relevant harvesting arrangements are in place for the *Areas of Equal Use and Occupancy*. The NWMB agrees with the NMRWB that the Board’s final decision must take into account that Nunavik Inuit will be hunting narwhal in the future, and also accepts Makivik’s position that an allocation of 10 narwhal is sufficient to ensure that Nunavik Inuit harvesting rights are respected.

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<sup>3</sup> Hearing Transcript, pages 381 (line 6), 386 (line 25) and 387 (lines 1 and 2).

## 5. JUSTIFICATION FOR THE NWMB's FINAL DECISION

The NWMB's final decision:

1. Is justified pursuant to NLCA S.5.3.3(a) – the restriction limits Inuit harvesting of NHB narwhal only to the extent necessary to effect the valid conservation purposes of:
  - (a) Maintaining a vital healthy NHB narwhal population capable of sustaining harvesting needs as defined in NLCA Article 5 (NLCA S.5.1.5(c)); and
  - (b) Maintaining the natural balance of ecological systems within the NSA (NLCA S.5.1.5(a));<sup>4</sup>
2. Protects the NLCA Article 40 procedural and substantive rights of Nunavik Inuit in the *Areas of Equal Use and Occupancy*;<sup>5</sup>
3. Satisfies the requirements of NLCA S.5.3.4 concerning NHB narwhal harvested outside the NSA by persons resident elsewhere;
4. Addresses the Minister's conservation reason for rejecting the NWMB's initial decision, by taking into account current and intended harvesting of the NHB narwhal population both inside and outside the NSA;
5. Complies with the intent of NTI's December 2012 submission to the Board;
6. Satisfies Makivik's December 2012 submission that an allocation of 10 NHB narwhal is sufficient to ensure that Nunavik Inuit harvesting rights are respected;
7. Provides NTI and Makivik with sufficient time and opportunity to complete their discussions with respect to a sharing arrangement for the NHB narwhal population between Nunavut and Nunavik, the results of which will be carefully considered by both the NWMB and the NMRWB in subsequent NLCA and NILCA decision-making; and
8. Provides sufficient time and opportunity, if the NLCA decision-making process is initiated by Nunavik Inuit and/or Government, for that process to determine a Nunavik Inuit BNL and share of the TAH for the NHB narwhal population in Area A of the *Areas of Equal Use and Occupancy*.

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<sup>4</sup> It effects those conservation purposes by helping to ensure that the harvesting of NHB narwhal both inside and outside the NSA remains within sustainable limits.

<sup>5</sup> See, for instance, NLCA Sections 40.2.5, 40.2.6, 40.2.14 and 40.2.16.

## 6. NWMB INITIAL DECISION CONDITIONS

### 6.1 NWMB conditions and the Minister's responses

There is one other issue arising from your October 15<sup>th</sup> 2012 correspondence to the NWMB that needs to be addressed - your response to, and treatment of, the NWMB's decision conditions. Essentially, your approach was to separate the conditions from the Board's decisions, and to treat them as recommendations. Before setting out the NWMB's concerns with that approach, the Board wishes to acknowledge that your responses appear to be generally positive - albeit in a number of instances, imprecise or ambiguous. Set out below is a summary of the Board's decision conditions and what it understands to be your responses. The NWMB requests that you correct Board misunderstandings, if any, of specific responses.

1. The levels of TAH and the narwhal management system based on summering stocks be formally reviewed and assessed in five years (following the 2017 harvesting season), or earlier if circumstances require;

**Minister's response:** The management system will be reviewed and assessed regularly, and the IFMP has provision for an annual post-season performance review;

2. The Department of Fisheries and Oceans (DFO) undertake to carry out the monitoring, data collection, research and analysis necessary for such a review and assessment;

**Minister's response:** "Monitoring, data collection, research and analysis" refers to DFO's duties and responsibilities under the IFMP;

3. Hunters and Trappers Organizations (HTOs) and Regional Wildlife Organizations (RWOs) undertake to carry out the reporting necessary for such a review and assessment;

**Minister's response:** DFO recognizes the fundamental roles RWOs and HTOs play within the management regime, and fully supports and recognizes the need for timely and accurate reporting;

4. Within six months of implementation of the TAH decisions, DFO put in place a 2013-2017 Implementation Plan and Budget for the new narwhal management system, developed in collaboration with the NWMB and NTI;

**Minister's response:** DFO has begun drafting an implementation plan, which will be further developed in consultation with the NWMB, NTI, the Government of Nunavut (GN) and RWOs; budgetary commitments will be identified through the consultative process and included in the developing plan;

5. The boundaries of the Somerset Island Management Unit be extended to the western border of the NSA;

**Minister's response:** The Minister's reply letter was unclear; however, DFO senior staff later clarified that the Minister has approved the extension;

6. DFO, the NWMB, NTI and GN Department of Environment (DoE) provide technical assistance, as necessary, to support the HTOs in the development of their written plans;

**Minister's response:** DFO can provide technical assistance to support the HTOs as necessary;

7. The development of the HTO written plans be accompanied by the following additional, complementary measures necessary to reduce the number of struck and lost narwhal while harvesting:

- (a) DFO - working with relevant co-management partners - develop and support a monitoring program;

**Minister's response:** DFO expects this to be a deliverable from the NWMB's upcoming struck and loss workshop (March 26-28, 2013);

- (b) Relevant co-management partners develop and support research projects to document the efficiency of current hunting equipment in order to recommend improved methods and equipment; and

**Minister's response:** DFO expects this to be discussed at the NWMB's upcoming struck and loss workshop (March 26-28, 2013), and that one of the co-management partners will take a lead role;

- (c) DFO, the NWMB, NTI and GN DoE collaborate in developing training materials; and

**Minister's response:** DFO will continue its efforts to collaborate in developing appropriate information/training/reporting materials; and

8. Prior to its implementation, the IFMP be revised to reflect all relevant final approved or varied NWMB 2012 narwhal decisions.

**Minister's response:** DFO expects that, where appropriate, all final approved or varied Board decisions will be reflected in the IFMP.

## **6.2 NWMB concerns regarding the conditions**

With respect to the NWMB's concerns over the treatment of its conditions as recommendations, the original, unstated intention of the Board was that the conditions form a part of the relevant decision, and that each be treated as an additional measure necessary to help ensure that a particular management decision would have the best chance of achieving success. However, in considering your treatment of the conditions, the NWMB came to realize that its own approach was imprecise and unclear, and that



several conditions relied upon a commitment from co-management partners in addition to, and even other than, the Minister/DFO. The Board apologizes for any confusion, and in future will be more clear and precise when attaching conditions to its decisions.

### **6.3 The formal review and assessment of the new narwhal management system in five years**

Finally, in the NWMB's view, the one clear rejection of a Board condition was with respect to the proposed formal review and assessment of the levels of TAH and the new narwhal management system, following the 2017 harvesting season. Your response was that the IFMP's annual post-season performance review and DFO's expectation of regular reviews and assessments of the management system would be sufficient.

The NWMB fully supports the IFMP's annual review requirement and DFO's review and assessment expectations. However, it is not convinced that those measures will necessarily be sufficient to preclude a more comprehensive review and assessment following the initial five-year implementation period. Accordingly, prior to the 2017 harvesting season, the Board intends – in collaboration with its relevant co-management partners, including DFO - to evaluate the effectiveness of the reviews and assessments to date, and to determine whether or not it is advisable or necessary to initiate the more comprehensive five-year review and assessment outlined in its initial decision letter to you.

## **7. CONCLUSION**

Mr. Minister, the NWMB hereby forwards its final decision and recommendation to you, for your consideration pursuant to the terms of the NLCA. Mindful of DFO's intention to complete the NLCA decision-making process in time to implement the IFMP in 2013, the Board looks forward to soon receiving your replies to its decision and recommendation, as well as to its request and additional remarks concerning NWMB decision conditions.

In the meantime, the NWMB wishes to repeat its August 2012 assurance to you that the Board stands ready to collaboratively work with DFO and its other co-management partners in order to ensure the successful implementation and refinement of the IFMP and the Nunavut narwhal management system.

If 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.

Yours sincerely,



Manasie Audlakiak,  
Acting Chairperson of the  
Nunavut Wildlife Management Board

Attachments (3)

## *Appendix 1 – Summary of Party Submissions*

*PLEASE NOTE: This document note offers only a brief summary of the evidence and arguments received by the NWMB in connection with the Board's public hearing on the establishment of a total allowable harvest for the North Hudson bay narwhal population. The complete written submissions and all supporting documentation are available from the NWMB's public hearing registry (2012) at [www.nwmb.com](http://www.nwmb.com) or by contacting the Board. A copy of the full oral hearing transcript is also available upon request.*

**Department of Fisheries and Oceans:** Set the total allowable harvest for the Northern Hudson Bay narwhal population taking into consideration the current sustainable harvest limit recommended by Fisheries and Oceans, called the total allowable landed catch.

### Evidence and Arguments:

- The population's estimates and the recommended total allowable landed catch recommendations were based on the most recent aerial survey abundance estimates (Hearing Binder Tab 28)

**Nunavut Tunngavik Incorporated:** The NWMB and the Minister should – for the time being - maintain the total allowable harvest for the Nunavut Settlement Area at 157 (Appendix 6, p. 2). In addition, NTI is critical of (i) the Minister's "*clarifications*" with respect to Board conditions attached to particular decisions (Appendix 6, p. 2 and 3), (ii) the NWMB's establishment of TAH Rules (Appendix 6, p. 3 and 4), (iii) the NWMB's NQL decision requiring Hunters and Trappers Organizations (HTOs) to develop written plans employing practical measures to reduce struck and lost rates (Appendix 6, p. 4), and (iv) the repetition of conditions and reasons in the NWMB's initial decision letter (Appendix 6, p. 5).

### Evidence and Arguments:

- Nunavut Tunngavik Incorporated is in discussion with Makivik Corporation to arrange for the sharing of the Nunavut Wildlife Management Board Total Allowable Harvest until the Nunavik Marine Region Wildlife Board sets a Total Allowable Take for the Nunavik Marine Region, and the regime to manage wildlife in the Areas of Equal Use and Occupancy is settled. Nunavut Tunngavik Incorporated is anticipating a finalized agreement in January 2013 (Appendix 6, p. 2).
- *"In several cases, the Minister has purported to accept a Board initial decision without accepting the conditions attached to the decision. In substance, the Minister's 'clarifications' of such conditions could vary the conditions, yet, under the NLCA decision process, the Minister is only permitted to vary a final Board decision (s.5.3.18; s.5.3.22). Further, it is unclear in the Minister's letter whether DFO considers such measures to remain part of the decision process at all..."* (Appendix 6, p. 2).
- NTI proposes that the NWMB treat responses from the Minister that do not accept NWMB conditions as rejections of the initial decisions that contain those conditions. *"Alternatively, if the*

*Board did not intend its conditions to form part of its initial decisions, the Board should clarify this in its final decisions...” (Appendix 6, p. 3).*

- With respect to the proposed establishment of “TAH Rules”, “...the Board may include in a TAH decision any matter that Article 5 enables the Board to include in a TAH (or NQL), but should not purport to decide upon separate ‘rules’ and submit them to government for approval, rejection or variation and subsequent implementation...” (Appendix 6, p. 3).
- “...the Board’s authority to establish non-quota limitations under the NLCA does not include the authority to require an HTO to take particular action...” Accordingly, the proposal that HTOs develop written plans employing practical measures to reduce struck and lost rates can be a recommendation only (Appendix 6, p. 4).
- The NWMB and the Minister of Fisheries and Oceans can only limit Inuit harvesting to the extent necessary to affect a valid conservation purpose, or to give effect to the allocation system outlined in Article 5 of the NLCA as per s. 5.3.3 of the Agreement. The NLCA’s total allowable harvest system requires that if it is necessary to restrict the quantity of Inuit harvest for a conservation purpose, both science and Inuit Qaujimajatuqangit must be used to assess the potential harvest level. Any goals for increasing the population over a certain period of time should be stated (Hearing Binder Tab 33, p. 6-8).

**Government of Nunavut Department of Environment:** Supports setting the total allowable harvest at the total allowable landed catch levels recommended by Fisheries and Oceans (Hearing Binder Tab 34, p. 1).

Evidence and Arguments:

- This approach will provide higher harvest levels for all communities than are currently available through the old system and provide for conservation (Hearing Binder Tab 34, p. 1).
- Co-management partners should continue and increase their efforts to include Inuit Qaujimajatuqangit, update population estimates, and develop alternative ways to assess hunt sustainability (Hearing Binder Tab 34, p. 1).

**Makivik Corporation:** The NWMB should consider Nunavik Inuit harvesting rights when establishing the total allowable harvest for the Nunavut Settlement Area. Ten narwhal should be reserved from the Northern Hudson Bay population for Nunavik Inuit (Hearing Binder Tab 37; and Appendix 4, p. 1).

Evidence and Arguments:

- Northern Hudson Bay narwhal are shared between Nunavut, Nunavik and Nunatsiavut (hearing Binder Tab 37). Nunavik Inuit have harvesting rights for the Northern Hudson Bay narwhal stock (Appendix 4, p. 1).
- Narwhal have been harvested opportunistically by Nunavik Inuit, and the number of narwhal seen in the Nunavik Marine Region has been increasing (Hearing Binder Tab 37; and Appendix 4, p. 1).



- Future Northern Hudson Bay narwhal TAH decisions should be determined jointly between the NWMB and the NMRWB (Hearing Binder Tab 37).
- Ten narwhal would be representative of the potential harvest amongst 14 Nunavik communities (Hearing Binder Tab 37).
- Makivik commits to negotiations with Nunavut Tunngavik over sharing Northern Hudson Bay narwhal (Hearing Binder Tab 37).
- A tag transfer system should be established so unused tags could be reassigned to the Total Allowable Harvest in the Nunavut Settlement Area or the total allowable take in the Nunavik Marine Region in the next harvest season (Appendix 4, p. 1).
- Recommends that in the future the NWMB work in conjunction with the NMRWB when determining the TAH for Northern Hudson Bay narwhal population to ensure that the TAH accurately reflects harvests occurring within both the NMR and the NSA (Hearing Binder Tab 37)

**Nunavik Marine Region Wildlife Board:** Nunavik would like an allocation of 20 narwhals, ideally over and above the recommended total allowable landed catch of 157 for the north Hudson Bay population (Hearing Binder Tab 38; Initial Decision Binder Tab 16; Transcript, p.145, lines 19-20, p.381, lines 3-6, p.386, lines 16-25 and p.387, lines 1-2). The NWMB's final decision must take into account that Nunavik Inuit will hunt narwhal; however, the exact number will be determined in the coming months (Appendix 5, p. 3).

#### Evidence and Arguments:

- Nunavik Inuit currently do not harvest narwhal because of the Marine Mammal Regulations licensing requirements. Inuit Qaujimajatuqangit indicates that narwhal have been harvested in the NMR historically. Recent hunt opportunities have been numerous (Hearing Binder Tab 38).
- The NWMB's initial decision was justified by indicating that there is no established narwhal fishery in Nunavik; however, this will change once the Nunavik Marine Region Wildlife Board establishes a Total Allowable Take for the Nunavik Marine Region (Appendix 5, p. 3).
- The Regional Nunavimmi Umajulirijiit Katujiqatigininga (RNUK) has made three requests, between March 2011 and November 2012, to establish a total allowable take for narwhal in the Nunavik Marine Region (Hearing Binder Tab 38; Appendix 5, p. 2).
- Members of the RNUK have specifically requested an annual harvest of 20 narwhal (Appendix 5, p. 2).
- The Nunavik Board refrained from proposing the establishment of a total allowable take in March 2011 as doing so would have resulted in either an unsustainable harvest or a reduction of Nunavut's quota based on the best available information presented to the NMRWB at that time (Hearing Binder Tab 38).

- It is the intent of the Nunavik Marine Regional Wildlife Board to implement the mechanisms necessary to permit a narwhal hunt in the Nunavik Marine Region, beginning with the spring 2013 migration (Appendix 5, p. 2; Hearing Binder Tab 38).
- Increasing the harvest by 20 narwhal over the recommended total allowable landed catch maintains a conservative harvest rate for the North Hudson Bay population of less than 2% (Initial Decisions Binder, Tab 16).

**Kivalliq Regional Wildlife Board:** The 157 tags for the Northern Hudson Bay population is not sufficient. A total allowable harvest of 175 for the Nunavut Settlement Area should be considered, meaning a total allowable landed catch of 186 narwhal to account for Nunavik harvests (Initial Decision Binder, Tab 16). More narwhal are seen every year in the region and the population appears to be increasing (Initial Decisions Binder, Tab 16).



Ottawa, Canada K1A 0E6

MAY 09 2013

Mr. Manasie Audlakiak  
Acting Chairperson  
Nunavut Wildlife Management Board  
P.O. Box 1379  
Iqaluit, Nunavut  
X0A 0H0

Dear Mr. Audlakiak:

Thank you for your letter dated February 14, 2013 conveying the Board's final decision concerning the establishment of a Total Allowable Harvest for the Northern Hudson Bay narwhal population within the Nunavut Settlement Area.

I am pleased that the Board supports the establishment of an overall harvest limit of 157 narwhal for the Northern Hudson Bay population for this shared resource. I appreciate the detail the Board has provided in coming to its final decision.

This letter confirms that I have varied the Board's final decision and established a Total Allowable Harvest of 147 narwhal for the Northern Hudson Bay narwhal population within the Nunavut Settlement Area. I varied the Board's decision because I have accepted the decision of the Nunavik Marine Region Wildlife Board to establish a Total Allowable Take of 10 narwhal to be harvested within the Nunavik Marine Region.

While a Total Allowable Harvest and Total Allowable Take have now been established for the Nunavut Settlement Area and the Nunavik Marine Region which equals the overall harvest limit recommended by Fisheries and Oceans Canada, should a request to harvest narwhal come from Labrador Inuit, these values will need to be revisited and potentially modified to permit Labrador Inuit to harvest narwhal within the overall harvest limit of 157 within the Labrador Inuit Settlement Area.

As for your request to confirm the Board's understanding of my decisions in the letter dated October 15, 2012, this confirms that what the Board has written under part 6.1 of the Board's February 14, 2013 letter is correct.

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Further, with regards to your question under part 6.3 of your letter, I did not reject the Board's proposed 5 year review but highlighted the fact that the Department will be conducting annual reviews of the fishery over the coming years. I fully support the Board's initiative to evaluate the effectiveness of the previous 5 years of harvesting and management.

I look forward to the continued collaboration with the Nunavut Wildlife Management Board as the management of narwhal continues to evolve.

Sincerely,

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

Keith Ashfield