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Þウヘ 13, 2010

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October 13, 2010

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

Re: Request by the Iviq HTA, as advised by DFO, to seek the Nunavut Wildlife Management Board's advice on what to do with the overharvest of one narwhal on July 31st.

Dear Minister Shea.

At the Nunavut Wildlife Management Board's (NWMB or Board) Regular Meeting No. 65 held in Iqaluit, Nunavut from September 14th to 16th, the Board considered the Iviq Hunters and Trappers Organization (HTO) overharvest of one narwhal above their annual quota for the 2010 harvest season. The Iviq HTO received 20 narwhal tags for the 2010 harvest season; however, when narwhal came close to Grise Fiord on July 31st, 2010 a harvest ensued and the HTO went over their 2010 quota by one. The HTO notified the Department of Fisheries and Oceans (DFO) of the overharvest and was subsequently requested to go through the NWMB to seek advice on how to proceed. On August 3rd, 2010 the NWMB received notification of the Iviq HTO overharvest.

In July 2009, the Board sent its decision letter to you regarding the Nunavut trial Community-Based Management (CBM) program for narwhal, indicating that the program should not proceed and that the focus should move towards the implementation of the *Nunavut Land Claims Agreement* (NLCA) for the management of narwhal. This decision was accepted by you. One aspect of that decision was that the flexible quota system for CBM communities would remain in place until the establishment of Total Allowable Harvests (TAH) for narwhal. The flexible quota system¹ allows previous CBM communities to carry-over up to 50% of their annual quota to the following year and allows communities to borrow against the following year's harvest limit up to 15% of their annual quota.

Grise Fiord was not a participating community in the trial CBM program; however, on August 7th, 2003 your predecessor approved an NWMB decision that gave the communities of Gjoa Haven and Taloyoak, which also were not participating CBM communities, the ability to carry-over unused narwhal tags using the flexible quota system. Previous carry-over requests employing

¹ The flexible quota system was part of the NWMB's decision to continue the CBM program for an additional trial period of five years on June 11th, 2003; there is currently no existing policy.

the flexible quotas system for non-CBM communities were also approved by the Board in 2004, 2005, 2007, 2008 and more recently in 2010. The flexible quota system would allow the Iviq HTO to borrow up to 15% of their annual quota for 2011, or a total of 3 narwhal tags. The one overharvested narwhal falls within this amount and approval of borrowing one narwhal tag from next year's quota is not believed to pose a conservation concern as there would be a corresponding reduction in next year's harvest limit.

Upon consideration of the information presented to the Board, the Board made the following decision:

"Resolved that the NWMB approve the borrowing of 1 narwhal tag for the Iviq Hunters and Trappers Organization from the 2011 harvest season to the 2010 harvest season as per the flexible quota system".

In the past, the NWMB has written directly to the HTO that requested the carry-over, informing the HTO of the Board's decision and copying Fisheries and Oceans Canada (DFO) on the correspondence. However, in the current circumstance this decision is being sent to you as per S 5.3.17 of the NLCA due to the recognition that your acceptance of the NWMB's decision to continue the flexible quota system pertained only to CBM communities.

In your September 30th, 2009 response to the Board's July 10th, 2009 decision you recommended that a formal policy outlining a narwhal carry-over system for all of Nunavut needed to be developed and recommended that the NWMB "...lead the development of a policy to guide the application of the flexible quota system". The NWMB responded in May, 2010 that it was in agreement that such a policy needed to be developed, but that DFO would be the appropriate lead due to DFO being responsible for the on-the-ground management of narwhal. The NWMB has since been informed that DFO staff are presently drafting a policy.

The NWMB looks forward to reviewing this draft policy and would like to take this opportunity to request that DFO staff provide the NWMB with the policy in time for review and subsequent approval at the NWMB's December Regular Meeting 66. Please note that the deadline for submissions to the Regular Meeting is November 12th, 2010.

Yours sincerely,

Willie Nakoolak

A/Chairperson of the

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Nunavut Wildlife Management Board

Ottawa, Canada K1A 0E6

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

Dear Mr. Nakoolak:

Thank you for your correspondence of October 13, 2010, concerning the overharvest of narwhal by hunters in the community of Grise Fiord during the 2010 hunting season.

Pursuant to the Nunavut Land Claims Agreement, I accept the Nunavut Wildlife Management Board's (NWMB) decision that "...the NWMB approve the borrowing of one narwhal tag for the Iviq Hunters and Trapper Organization from the 2011 harvest season to the 2010 harvest season as per the flexible quota system."

Departmental staff in the Iqaluit office will contact the Iviq Hunters and Trapper Organization so that a narwhal tag may be issued to the appropriate hunter and also notify the Iviq Hunters and Trapper Organization that the quota for 2011 hunting season has been reduced to 19.

Yours sincerely,

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