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English version was signed by

The Honorable Steven Guilbeault, P.C., M.P. Minister of Environment and Climate Change Canada



Iola Metuq Chairperson Nunavik Marine Region Wildlife Board P.O. Box 433, Inukjuak QC, Canada J0M 1M0

Daniel Shewchuk Chairperson Nunavut Wildlife Management Board P.O. Box 1379 Iqaluit, Nunavut X0A 0H0

Re: Species at Risk decisions for Bowhead Whale (Eastern Canada – West Greenland), Killer Whale (Northwest Atlantic – Eastern Arctic) and Northern Bottlenose Whale (Davis Strait – Baffin Bay – Labrador Sea)

Dear Chairpersons,

You recently received letters asking if the Nunavut Wildlife Management Board (NWMB) and Nunavik Marine Region Wildlife Board (NMRWB) are in agreement with the decision to list three whales. These are the Bowhead Whale (Eastern Canada – West Greenland), the Killer Whale (Northwest Atlantic – Eastern Arctic) and Northern Bottlenose Whale (Davis Strait – Baffin Bay – Labrador Sea). All three are considered Special Concern and are eligible for addition to Schedule 1 of the *Species at Risk Act* (SARA). Environment and Climate Change Canada and Fisheries and Oceans Canada would like to request flexibility on the part of both Boards with regard to the time frame within which the Minister of Environment and Climate Change responds to their decisions on these questions.

Presently, it seems likely that the Boards may reach their decisions at different times. To be consistent with both the NILCA and the Nunavut Agreement, the Minister might then be required to accept or reject the decision of one Board before it has received the decision of the other.

The Minister must respect his obligations under both the Nunavut Agreement and the NILCA. However, before making his recommendations concerning the listing of these three whale populations, he is required to consider the decisions of both Boards. Further, the Minister of Fisheries and Oceans must advise my Minister on these listings; but she wishes to do so within the context of both the NWMB and NMRWB decisions. In view of these constraints, would your Boards agree to vary the deadline for which a response from the Minister is required, as provided for in NILCA 5.5.8 and Nunavut Agreement 5.3.18?



If so, to ensure that both Ministers have adequate time to weigh the decisions of both the NWMB and the NMRWB, we would like to vary the deadline within which my Minister must accept or disallow the Board decisions. We propose that the deadline for the Minister to accept or disallow board decisions be 120 days after receiving the second decision. Would your Boards accept this variance?

We would appreciate it if you could let us know your responses to this proposal before providing the Minister with your decisions on these proposed listings.

Thank you for your attention to this issue.

Respectfully,

Sarah Wren Director, Species at Risk Implementation, Canadian Wildlife Service Environment and Climate Change Canada



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November 05, 2021

Hon. Steven Guilbeault Minister of Environment and Climate Change Canada Government of Canada

Dear Steven Guilbeault:

Re: NWMB Decision on Environment and Climate Change Canada's Proposal to List Northern Bottlenose Whale as Special Concern under the Federal Species at Risk Act

NWMB Decision

At the Nunavut Wildlife Management Board's (NWMB or Board) Regular Meeting (RM003-2021) on September 8, 2021, your department presented a proposal, requesting that the Board approve the listing of the Davis Strait-Baffin Bay-Labrador Sea population of northern bottlenose whale (*Hyperoodon ampullatus*) as Special Concern under the federal *Species at Risk Act*.

At the Board's In-Camera Meeting (IC003-2021), on September 9, 2021, the Board considered your department's submission and presentation to the Board, along with the *2011 COSEWIC Assessment and Status Report on the Northern Bottlenose Whale*, and oral submissions made by co-management partners at the Regular Meeting and made the following decision:

RESOLVED that, Pursuant to Section 5.2.34(f) of the Nunavut Agreement, the Nunavut Wildlife Management Board approve the designation of Davis Strait-Baffin Bay-Labrador Sea population of northern bottlenose whale as a species of Special Concern under the Federal Species at Risk Act.

Reasons for NWMB Decision

In reaching its decision, the Board considered information from your department suggesting that the *Davis Strait-Baffin Bay-Labrador Sea northern bottlenose whale population* was likely overhunted by commercial whalers in the 20th century and current population trends are unknown. The Board also considered the threats to this population identified and described in the *2011 COSEWIC Assessment and Status Report* including ongoing threats from commercial fisheries (e.g. entanglement from

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fishing gear), contaminants, and acoustic disturbance from human activities. The Board determined that the listing of the Davis Strait-Baffin Bay-Labrador Sea population of northern bottlenose whale as Special Concern under the federal *Species at Risk Act* will have no impact on Inuit harvesting rights given that the species is not commonly encountered or harvested by Inuit, but could lead to improvement in its conservation status in other parts of its range where current threats persist.

The Board also considered and acknowledged your department's efforts to consult with relevant co-management partners in Nunavut, including the Hunters and Trappers Organizations in Clyde River, Iqaluit, Pangnirtung, and Qikiqtarjuaq, the Government of Nunavut-Department of Fisheries and Sealing, and Nunavut's commercial fishing enterprises.

Finally the Board noticed and would like to bring to your attention, that the proposed listing is based on an assessment conducted in 2011. Using such old data creates uncertainty regarding the extent to which these whales are currently affected by the identified threats. For effective wildlife management decisions, it is important that the Board be provided with the best available science and Inuit Qaujimajatuqangit information.

Conclusion

The NWMB looks forward to your reply and prompt completion of the *Nunavut Agreement* Article 5 decision-making process. If you have any questions regarding this letter, please do not hesitate to contact the NWMB.

Sincerely,

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Daniel Shewchuk Chairperson Nunavut Wildlife Management Board

cc: Julie Spallin, Environment and Climate Change Canada.

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Minister of Environment and Climate Change

Ottawa, Canada K1A 0H3

JUL - 4 2022

Mr. Daniel Shewchuk Chairperson Nunavut Wildlife Management Board P.O. Box 1379 Iqaluit NU X0A 0H0

Dear Mr. Shewchuk:

Thank you for your letter of November 5, 2021, in which you present the Nunavut Wildlife Management Board's decision of September 9, 2021, regarding the proposed listing of the Davis Strait–Baffin Bay–Labrador Sea population of the northern bottlenose whale as a species of special concern under the *Species at Risk Act.* I acknowledge that the Board indicated support for listing this population and adding it to Schedule 1 of the Act. I am pleased to accept your decision, and I regret the delay in responding.

First, I appreciate your granting my request of August 27, 2021, to extend the response time to your initial decision from 60 to 120 days following the receipt of both the Nunavut Wildlife Management Board and the Nunavik Marine Region Wildlife Board decisions.

As you note in your letter and as identified in the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) Assessment and Status Report on the northern bottlenose whale (Hyperoodon ampullatus) in Canada (2011) (*https://species-registry.canada.ca/index-en.html#/documents/142*), the northern bottlenose whale (Davis Strait–Baffin Bay–Labrador Sea population) abundance was likely significantly reduced by whaling in the 20th century, and current population numbers and trends are unknown. Known threats include fishing gear interactions (entanglement), anthropogenic noise, and contaminants. Listing this species as special concern and the subsequent development of a *Species at Risk Act* management plan may provide opportunities to further investigate this population's abundance and trends and to help manage the threats it faces.

Your letter also conveys that you support listing this species since it will have no impact on Inuit harvesting rights given that the species is not commonly encountered or harvested by Inuit. I note that, with a special concern listing, it is not prohibited under the *Species at Risk Act* to kill, harm, harass, buy, sell, trade,

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or possess individuals of the listed wildlife species. Activities that impact a wildlife species may continue without the need for *Species at Risk Act* permits, exemptions or exceptions. Harvesting, if it were to occur, would be managed under the Nunavut Agreement, the *Fisheries Act* and the *Marine Mammal Regulations*.

I also note and acknowledge the concern you raised in your letter regarding the validity of information used to inform this listing decision, given the age of the scientific data available. While the COSEWIC assessment was completed in 2011, given that this species has a long generation time of about 15.5 years, it is reasonable to assume that the data used for the assessment remains pertinent. As you may be aware, COSEWIC is required to reassess all previously assessed wildlife species at risk in Canada every 10 years or whenever it believes that the status of the species may have changed. Therefore, it is anticipated that a reassessment of this species will soon be undertaken, which will provide an update on species abundance, population trends, and threats, if available. I would encourage you to share with COSEWIC any Inuit Qaujimajatuqangit information that could be informative to this reassessment.

Reassessment by COSEWIC, if it results in a different classification, which could be a determination that the species is not at risk, would trigger a new listing recommendation and decision. Should the species again be classified as special concern and is already listed as such, I would have the option to recommend that its status be confirmed under the *Species at Risk Act* or be reconsidered.

I appreciate your acknowledging the efforts made by Environment and Climate Change Canada and Fisheries and Oceans Canada to conduct thorough consultations with your co-management partners. Both departments truly value your input and will proceed to do what is necessary to implement the Nunavut Wildlife Management Board's decision.

Please accept my best regards.

Sincerely,

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The Honourable Steven Guilbeault, P.C., M.P. (il/lui/he/him)