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Chairperson  
Nunavik Marine Region Wildlife Board  
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Daniel Shewchuk  
Chairperson  
Nunavut Wildlife Management Board  
P.O. Box 1379  
Iqaluit, Nunavut  
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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







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 Qaujimaqatuqangit 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,



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