



२८Δ 15, 2016

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⁴ ມາຊິນ ມາດຕະການໄປສູ່ ແກ້ໄຂບັນຫາ ດັ່ງນີ້ 5.1.1.

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David Shubert

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Tammaqtailinahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

July 15th 2016

The Honourable Dominic LeBlanc
Minister of Fisheries, Oceans and the Canadian Coast Guard
15th Floor, Centennial Towers
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Minister LeBlanc:

Re: Nunavut Wildlife Management Board decisions concerning approval of the *Integrated Fisheries Management Plan for Atlantic Walrus (Odobenus rosmarus rosmarus)* in the Nunavut Settlement Area

1. NWMB DECISIONS

In response to a *Proposal for Decision* (Proposal) submitted by Fisheries and Oceans Canada to the Nunavut Wildlife Management Board (NWMB or Board) at its March 2016 quarterly meeting, the NWMB held a written public hearing to consider approval of the *Integrated Fisheries Management Plan for Atlantic Walrus (Odobenus rosmarus rosmarus) in the Nunavut Settlement Area* (Management Plan), including the establishment of management units for Atlantic walrus.

At its In-Camera Meeting (IC004-2016) on June 13th 2016, the NWMB carefully considered the Proposal and written hearing submissions, and made the following three decisions:

1.1 Non-quota limitation decision on management units

*RESOLVED that, pursuant to Section 5.6.48 of the Nunavut Land Claims Agreement (NLCA), the NWMB approve the geographic coordinates outlined in Figures 1 and 2 and Table 1 below as the Management Unit boundaries for the Baffin Bay (AW-01), West Jones Sound (AW-02), Penny Strait-Lancaster Sound (AW-03), Foxe Basin (AW-04), Hudson Bay-Davis Strait (AW-05) and South and East Hudson Bay (AW-06) Atlantic Walrus (*Odobenus rosmarus rosmarus*) stocks within the Nunavut Settlement Area.*

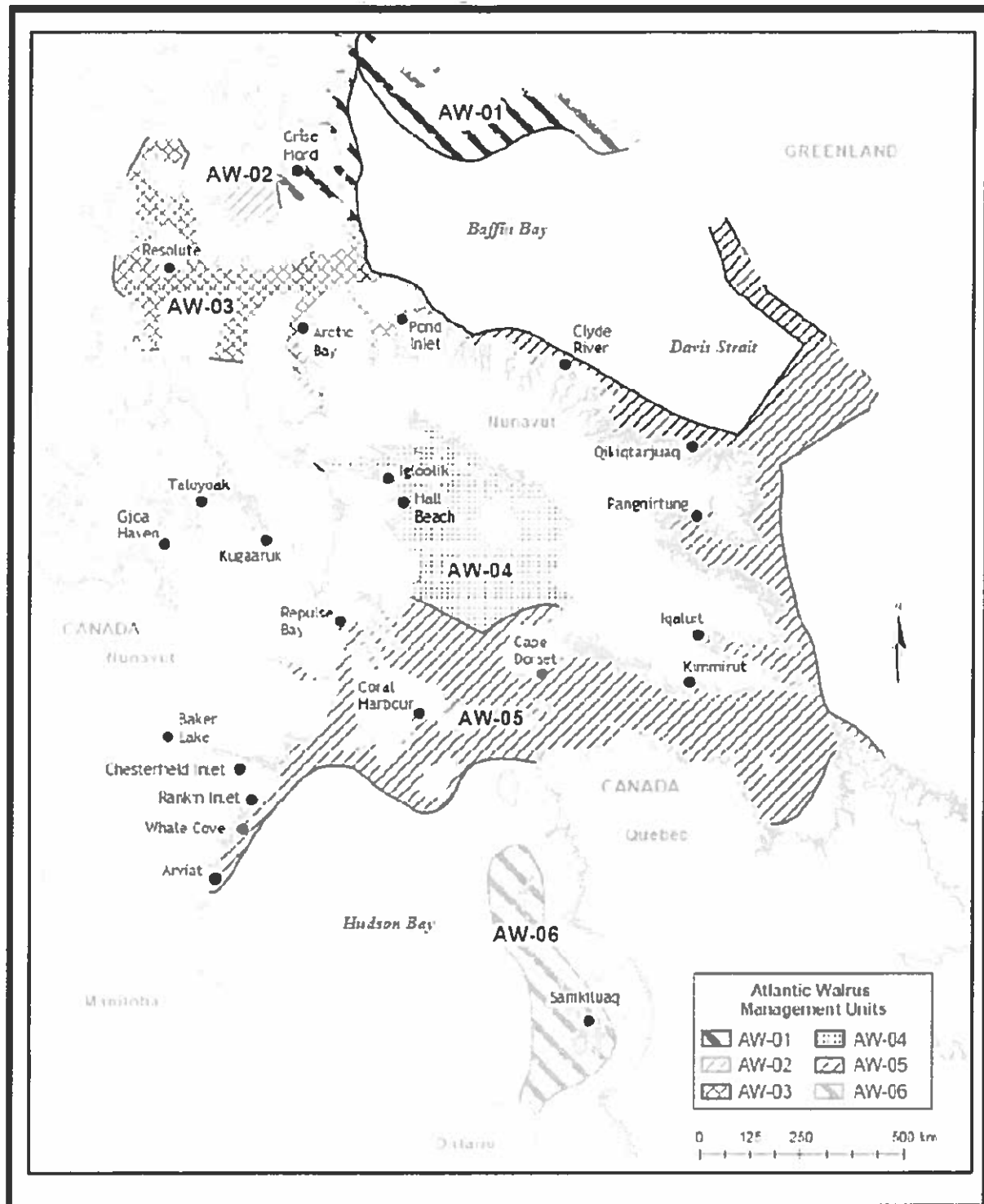


Figure 1. Proposed management unit boundaries for Atlantic walrus in the Nunavut Settlement Area.



Figure 2 and Table 1. Proposed management unit boundaries for Atlantic walrus in the Nunavut Settlement Area, including geographic co-ordinates.

Point N	Management Unit Name	Management Unit	Longitude	Latitude	Point N	Management Unit Name	Management Unit	Longitude	Latitude
1	Baffin Bay	AW-01	-84.960781	75.298896	1	Foxe Basin	AW-04	-73.658949	65.170139
2	Baffin Bay	AW-01	-84.934122	76.666433	2	Foxe Basin	AW-04	-78.857321	65.494622
3	Baffin Bay	AW-01	-78.427460	79.510771	3	Foxe Basin	AW-04	-83.014426	67.027838
4	Baffin Bay	AW-01	-73.869042	79.537028	4	Foxe Basin	AW-04	-86.088171	70.074765
5	Baffin Bay	AW-01	-68.931272	78.925172	5	Foxe Basin	AW-04	-85.901980	70.523859
6	Baffin Bay	AW-01	-56.045910	75.678836	6	Foxe Basin	AW-04	-77.498177	70.816846
7	Baffin Bay	AW-01	-55.106207	73.862798	7	Foxe Basin	AW-04	-70.579259	67.494183
1	West Jones Sound	AW-02	-86.681440	75.152420	8	Foxe Basin	AW-04	-73.658949	65.170139
2	West Jones Sound	AW-02	-90.450148	75.168389	1	Hudson Bay- Davis Strait	AW-05	-68.531523	59.088417
3	West Jones Sound	AW-02	-91.748748	76.087733	2	Hudson Bay- Davis Strait	AW-05	-95.219796	61.112665
4	West Jones Sound	AW-02	-91.939054	76.488247	3	Hudson Bay- Davis Strait	AW-05	-90.550515	65.907382
5	West Jones Sound	AW-02	-89.584598	76.837935	4	Hudson Bay- Davis Strait	AW-05	-73.500627	71.864310
6	West Jones Sound	AW-02	-84.923794	76.663115	5	Hudson Bay- Davis Strait	AW-05	-54.656377	71.580809
7	West Jones Sound	AW-02	-84.962335	75.307306	6	Hudson Bay- Davis Strait	AW-05	-54.203629	71.396905
8	West Jones Sound	AW-02	-86.681440	75.152420	7	Hudson Bay- Davis Strait	AW-05	-53.415796	66.242238
1	Penny Strait-Lancaster Sound	AW-03	-85.050393	70.879373	8	Hudson Bay- Davis Strait	AW-05	-63.590251	59.171354
2	Penny Strait-Lancaster Sound	AW-03	-86.914718	70.890041	1	South and East Hudson Bay	AW-06	-82.472946	54.684830
3	Penny Strait-Lancaster Sound	AW-03	-98.466536	72.899991	2	South and East Hudson Bay	AW-06	-81.965630	59.534427
4	Penny Strait-Lancaster Sound	AW-03	-99.350907	74.502859	3	South and East Hudson Bay	AW-06	-81.714493	60.234049
5	Penny Strait-Lancaster Sound	AW-03	-99.043472	76.338319	4	South and East Hudson Bay	AW-06	-80.612492	60.719178
6	Penny Strait-Lancaster Sound	AW-03	-96.915038	77.329184	5	South and East Hudson Bay	AW-06	-80.606465	60.719878
7	Penny Strait-Lancaster Sound	AW-03	-96.417995	77.472375	6	South and East Hudson Bay	AW-06	-80.600447	60.720568
8	Penny Strait-Lancaster Sound	AW-03	-93.461455	77.461829	7	South and East Hudson Bay	AW-06	-79.460191	60.140848
9	Penny Strait-Lancaster Sound	AW-03	-78.770157	75.058268	8	South and East Hudson Bay	AW-06	-78.346328	56.177084
10	Penny Strait-Lancaster Sound	AW-03	-73.493754	71.869790	9	South and East Hudson Bay	AW-06	-78.521181	55.779378
11	Penny Strait-Lancaster Sound	AW-03	-74.084211	71.502730	10	South and East Hudson Bay	AW-06	-79.420980	55.399192

1.2 Decision to approve the *Integrated Fisheries Management Plan for Atlantic Walrus (*Odobenus rosmarus rosmarus*) in the Nunavut Settlement Area*

*RESOLVED that, pursuant to Sections 5.2.34(d)(i) of the Nunavut Land Claims Agreement, the NWMB approve the Integrated Fisheries Management Plan for Atlantic Walrus (*Odobenus rosmarus rosmarus*) in the Nunavut Settlement Area (IFMP), subject to the following conditions:*

- (a) The Areas of Equal Use and Occupancy, set out in Schedule 40-1 of the Nunavut Land Claims Agreement, are excluded from the NWMB's approval until such time as:*
 - (i) Necessary consultations have taken place with Makivik Corporation (see NLCA Sections 40.2.6 and 40.2.16).*
 - (ii) A subsequent Proposal for Decision, including an accompanying Consultation Report, is delivered to the NWMB, and*
 - (iii) The NLCA Article 5 decision-making process is completed with respect to that subsequent Proposal; and*
- (b) The following additional wording is added to the second paragraph of the Foreword to the IFMP: "..., and subject to the relevant terms of the Nunavut Land Claims Agreement"¹.*

1.3 Total allowable harvest rule

RESOLVED that, where a level of total allowable harvest has been established for an Atlantic walrus stock or population in the Nunavut Settlement Area pursuant to the terms of Article 5 of the Nunavut Land Claims Agreement, the NWMB approve the following total allowable harvest rule in accordance with its authority under the Nunavut Land Claims Agreement Sections 5.2.33 and 5.6.16:

The annual harvest of a walrus stock or population subject to a level of total allowable harvest will not exceed that level of total allowable harvest.

2. REASONS FOR THE NWMB DECISIONS

The NWMB's decisions are based upon the most reliable and persuasive evidence and arguments received during the written public hearing process. All of the written submissions filed and considered by the Board are publicly available for download from the NWMB's website (www.nwmb.com). In carrying out its deliberations, the NWMB

¹ The full paragraph would read as follows: "The IFMP is not a legally binding instrument which can form the basis of a legal challenge. The IFMP can be modified at any time and does not fetter the Minister of Fisheries and Oceans' discretionary powers set out in the Fisheries Act. The Minister can, for reasons of conservation or for any other valid reasons, modify any provisions of the IFMP in accordance with the powers granted pursuant to the Fisheries Act, and subject to the relevant terms of the Nunavut Land Claims Agreement."

carefully considered written submissions provided by the Qikiqtaaluk Wildlife Board², which expressed support for the Management Plan, and Makivik Corporation, which raised concerns regarding the application of the Management Plan to the *Areas of Equal Use and Occupancy* and the absence of consultation with Nunavik Inuit.

2.1 Reasons for the non-quota limitation decision on management units

The NWMB understands that the Management Units proposed by Fisheries and Oceans Canada and approved in the above NWMB non-quota limitation decision were developed by the Walrus Working Groups using the best available scientific information as well as input provided by Hunters and Trappers Organizations and community members. In its written submission to the NWMB's public hearing, Makivik Corporation recommended that the NWMB exclude two management units from its approval (AW-05 and AW-6) as the boundaries of these management units extend into the Nunavik Marine Region and it would be inappropriate for the Board to unilaterally establish these boundaries.

As NWMB approval of the management units for Atlantic walrus necessarily only applies to the Nunavut Settlement Area, as per Section 5.6.48 of the *Nunavut Land Claims Agreement*, the Board does not see a need to exclude the two management units that extend into the Nunavik Marine Region from the Management Plan entirely. However, the Board agrees that clarity is needed regarding the parts of the management units that extend into the Nunavik Marine Region, and therefore recommends that Figure 2 of the Management Plan be modified to clearly include the boundaries of the Nunavut Settlement Area and the Nunavik Marine Region. Should Fisheries and Oceans Canada wish to implement these management unit boundaries within the Nunavik Marine Region, the NWMB encourages your Department to consult with affected Nunavik Inuit and initiate the *Nunavik Inuit Land Claims Agreement* decision-making process. With the above recommendations in mind, and given that the boundaries of the management units for Atlantic walrus were developed collaboratively using the best available scientific information and Inuit Qaujimajatuqangit, the NWMB chose to approve the boundaries of the management units within the Nunavut Settlement Area.

2.2 Reasons for the decision to approve the *Integrated Fisheries Management Plan for Atlantic Walrus (Odobenus rosmarus rosmarus)* in the Nunavut Settlement Area

Makivik Corporation also raised concerns in its written submission to the NWMB regarding the application of the Management Plan to the *Areas of Equal Use and Occupancy* and the absence of consultation with Nunavik Inuit on this application. Makivik Corporation requested that the *Areas of Equal Use and Occupancy* be excluded from

² The Qikiqtaaluk Wildlife Board did not provide a written submission to the NWMB's written public hearing. However, its position was provided in a letter to the NWMB written jointly with Fisheries and Oceans Canada, prior to the commencement of the NWMB's written hearing and the NWMB considered this as the Qikiqtaaluk Wildlife Board's position.

approval of the Management Plan until Nunavik Inuit have been consulted on the Management Plan.

As you are aware, the Nunavut Settlement Area includes two “*Areas of Equal Use and Occupancy*” (Areas A and B), described in Schedule 40-1 of the *Nunavut Land Claims Agreement* and Schedule 27-1 of the *Nunavik Inuit Land Claims Agreement*. Nunavik Inuit have a number of rights and related protections in the *Areas of Equal Use and Occupancy* under Article 40 of the *Nunavut Land Claims Agreement* and Article 27 of the *Nunavik Inuit Land Claims Agreement*. In undertaking its decision-making related to the Proposal (which includes measures impacting both *Areas of Equal Use and Occupancy*), the Board recognizes a need to fairly address those rights and protections³.

In this particular circumstance, Makivik Corporation exercises the power of a Hunters and Trappers Organization or Regional Wildlife Organization on behalf of Nunavik Inuit (*Nunavut Land Claims Agreement* Sections 40.2.6 and 40.2.16; *Nunavik Inuit Land Claims Agreement* Sections 27.3.4 and 27.6.3). Accordingly, at a minimum, Fisheries and Oceans Canada has a legal duty to consult Makivik Corporation regarding the Management Plan as it relates to the *Areas of Equal Use and Occupancy*. In turn, the NWMB has a legal duty to assess the adequacy of the Department’s consultations, and to invite written hearing submissions from Makivik Corporation. As neither of these steps have taken place, the NWMB agreed with Makivik Corporation’s recommendation that NWMB approval of the Management Plan exclude the *Areas of Equal Use and Occupancy* until Nunavik Inuit have been consulted on the Management Plan.

The Board received no objections from hearing parties or the public regarding NWMB approval of the Management Plan in the areas of the Nunavut Settlement Area, except for the *Areas of Equal Use and Occupancy*. In addition, the NWMB received written support for the Management Plan from the Qikiqtaaluk Wildlife Board prior to the commencement of the Board’s written public hearing. The Board also recognizes Fisheries and Oceans Canada’s commitment to further consultation with affected Hunters and Trappers Organization that were not previously consulted in-person, to ensure a shared understanding of the Management Plan as well as the existing management system for Atlantic walrus in the Nunavut Settlement Area. With this in mind, the NWMB decided to approve the Management Plan with conditions to exclude the *Areas of Equal Use and Occupancy* until necessary consultations with Nunavik Inuit take place and the *Nunavut Land Claims Agreement* Article 5 decision-making process is completed.

2.3 Reasons for the total allowable harvest rule

A total allowable harvest rule does not restrict or limit Inuit harvesting. Rather, the purpose of a total allowable harvest rule is to help ensure that an approved (or varied) NWMB total allowable harvest decision – and the overall *Nunavut Land Claims Agreement* Article 5

³ Walrus are found within both *Areas of Equal Use and Occupancy*; in fact, the NWMB regularly approves walrus sport hunts by Nunavik Inuit in Area A (which includes Nottingham and Salisbury Islands).

allocation system of which it is a key part – is properly understood, implemented and followed.

The NWMB has not established, nor is it currently considering establishing, a level of total allowable harvest for any Atlantic walrus stocks within the Nunavut Settlement Area. However, the Management Plan describes the *Nunavut Land Claims Agreement* Article 5 allocation system as it would function should the NWMB establish a level of total allowable harvest for a stock or population of walrus. For this reason, the NWMB felt it appropriate to include the approval of the above total allowable harvest rule in its present decision-making.

If the NWMB establishes a level of total allowable harvest for a walrus stock or population, the *Nunavut Land Claims Agreement* permits no harvests beyond the level of total allowable harvest: “‘total allowable harvest’ for a stock or population means an amount of wildlife able to be lawfully harvested as established by the NWMB...”⁴

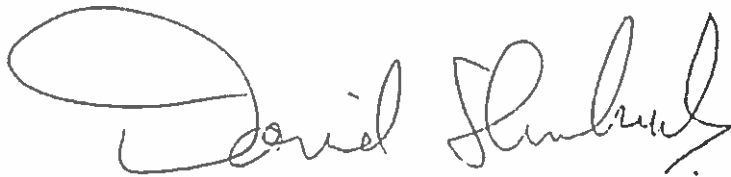
This total allowable harvest rule underlines that the annual harvest will not exceed the level of total allowable harvest established by the NWMB.

3. CONCLUSION

Mr. Minister, the NWMB hereby forwards its decisions to you, for your consideration pursuant to the terms of the *Nunavut Land Claims Agreement*. The Board looks forward to hearing the results of consultations with Nunavik Inuit regarding application of the Management Plan to the *Areas of Equal Use and Occupancy* and welcomes further collaboration among co-management partners in ensuring a sound management system for Atlantic walrus.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Shewchuk". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Daniel Shewchuk
A/Chairperson of the
Nunavut Wildlife Management Board

⁴ *Nunavut Land Claims Agreement* Section 5.1.1.



Ottawa, Canada K1A 0E6

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

SEP 09 2016

Dear Mr. Shewchuk:

Thank you for your letter dated July 15th, 2016 conveying the Nunavut Wildlife Management Board's (NWMB) three decisions regarding the *Integrated Fisheries Management Plan (IFMP) for Atlantic Walrus in the Nunavut Settlement Area (NSA)*. Pursuant to section 5.3.18 of the *Nunavut Land Claims Agreement (NLCA)*, I provide the following written reply.

Non-Quota Limitation Decision on Management Units

I accept the NWMB decision to approve the geographic coordinates, identified as Figures 1 and 2 and Table 1 in the NWMB's July 15th, 2016 correspondence, as the Management Unit boundaries for Atlantic walrus within the NSA.

Approval of the Integrated Fisheries Management Plan for Atlantic Walrus in the Nunavut Settlement Area

I accept the NWMB decision to approve the IFMP for Atlantic Walrus in the NSA, including the conditions identified in the NWMB's July 15th, 2016 correspondence.

Total Allowable Harvest Rule

I accept the Board's total allowable harvest rule stating that "the annual harvest of a walrus stock or population subject to a level of total allowable harvest will not exceed that level of total allowable harvest."

It is my pleasure to make these decisions. All Nunavut co-management organizations, Inuit, communities and stakeholders involved in the development of the IFMP for walrus in the Nunavut Settlement Area should be commended for their efforts towards the conservation and sustainability of walrus. I look forward to continued collaboration with the NWMB and its technical staff on walrus co-management issues.

Yours sincerely,

Dominic LeBlanc, P.C., M.P.