

# NUNAVUT WILDLIFE MANAGEMENT BOARD

## MINUTES: CONFERENCE CALL No. 34

THURSDAY, 4 SEPTEMBER 1997

### Participants:

|                  |  |
|------------------|--|
| Ben Kovic        | Chairperson                            |
| David Igutsaq    | Member                                 |
| Meeka Mike       | Member                                 |
| Gordon Koshinsky | Member                                 |
| Kevin McCormick  | Member                                 |
| Harry Flaherty   | Member                                 |
| Malachi Arreak   | Member                                 |
| Jim Noble        | Executive Director                     |
| Dan Pike         | Director of Wildlife Management        |
| Pierre Chartrand | Director of Finance and Administration |
| Michael d'Eça    | NWMB Legal Advisor                     |

### Not Available:

|                   |                     |
|-------------------|---------------------|
| David Aglukark    | Member (with cause) |
| Joannie Ikkidluak | Member (with cause) |

### 1. Call to Order

The Chairperson, Ben Kovic, convened the Conference Call at 2:00 p.m.

### 2. Agenda

The agenda was accepted as presented.

### 3. Response to Minister's Decision on Turbot Allocation

Michael d'Eça referred Members to his Briefing Note (September 3), to the letter sent to the DFO Minister (July 16) following the judicial review, and to the Minister's response (August 15) to the NWMB letter. The Minister, in his response, has in effect reverted to the 1996 turbot allocations. Michael also noted that DFO has launched an appeal against the July 14 decision of the Federal Court. NTI's legal

advisor has reviewed the Minister's decision of August 15 and has identified three options for NTI:

- Move against the DFO Minister for contempt of court. This is the most aggressive option and seems quite well-based, but it is not common for the courts to find a Minister in contempt. If the motion failed for whatever reason, it would constitute an indirect validation of the Minister's decision.
- Send the DFO Minister a letter of protest. This is the least aggressive option. It would signify reluctant acceptance of the Minister's decision.
- Make application for another judicial review, this time against the Minister's August 15 decision. This is the option recommended by NTI's legal advisor. Michael noted that the Minister had failed to increase Nunavut's share of the turbot quota or to offer a proper groundfish license, leaving the NWMB little option except to continue pursuing the matter.

Michael recommended that the Board support NTI in again seeking and pursuing a judicial review. Gordon Koshinsky asked if NTI continued to be the most appropriate agency to lead in this process. Michael responded that the review would focus on NLCA 15.3.7, which is the mandate of NTI and is not the explicit jurisdiction of the NWMB. Kevin McCormick asked if there were any implications for the NWMB's ongoing independence as an Institution of Public Government if it aligned itself with NTI in this matter. Michael suggested that this alignment had already been declared, on a basis that is very strongly founded; this should therefore not be a new concern. Gordon Koshinsky asked if this review will be at a different level than the previous one. Michael indicated that the level of review will be the same. It will however constitute a totally separate hearing, albeit dealing with essentially the same issue.

Jim Noble advised that cost-sharing arrangements for the first judicial review were never finalized, and suggested that it would be useful to have an indication of cost implications prior to proceeding to another review. Michael contacted NTI at this point in the Conference Call and obtained an approximate overall cost estimate for the first review. Further to Kevin's previous question, Michael suggested that cost-sharing would affirm rather than undermine the Board's independence. The Board concluded that the Board's share of costs, if any, was likely to be manageable. The Board accordingly decided to support NTI in seeking a judicial review of the DFO Minister's August 15 decision on turbot allocations. **(Resolution 98- 047)**

#### **4. Polar Bear Quotas for 1997/98**

Dan reminded the Members that at the August meeting of the Board, he had been asked to review the calculations and recommendations provided by the Department of Resources, Wildlife and Economic Development (RWED). Dan noted that he had completed this review, found the calculations to be correct, and referred to the briefing note he had prepared.

Dan referred specifically to RWED's recommendation that polar bear quotas be reduced for four communities this coming year:

- Igloolik: In 1996/97, hunters took 5 females from the Foxe Basin population, exceeding the sustainable level of 3. According to the formulas the quota should drop to 3 this year; however they will receive one additional tag from the QWB so that the recommended quota is 4.
- Repulse Bay: In 1996/97, hunters took 6 females from the Foxe Basin population, exceeding the sustainable level of 4. According to the formulas the quota should drop to 4 this year; however they will receive 2 additional tags from the KWF so that the recommended quota is 6.
- Pelly Bay: In 1996/97, hunters took 6 females from the Gulf of Boothia population, exceeding the sustainable level of 5. According to the formulas the quota should drop to 10 this year, as is recommended.
- Grise Fiord: In 1996/97, Grise Fiord hunters took 3 females from the Kane Basin population, exceeding the sustainable level of 2. According to the formulas the quota should drop to 1 this year. RWED had previously indicated that female credits were available to "cover" the 1996/97 over-harvest, as is permitted by the Management Agreement. However RWED officials have since stated that this was an error. It has also been noted that Greenland hunters are harvesting from this population without restrictions, and it appears that Greenland alone has been taking at least the sustainable yield. Thus there are no credits effectively available.

Dan recommended that the Board approve the 1997/98 quotas as recommended by RWED. Ben Kovic noted that as per instructions from the Board, he had contacted the HTOs in the four communities to determine their reactions to the proposed quota reductions:

- The HTO Chairmen at Igloolik, Repulse Bay, and Pelly Bay advised that they understood the reasons for the quota reductions and considered it important to abide by the Management Agreements. Public meetings will be held in these communities to advise the hunters and anyone else who is interested and concerned.

- The Secretary Manager of the Grise Fiord HTO (the Chairman was not available) advised that they have rejected the proposed quota decrease and have written to RWED explaining their concerns. Grise Fiord submits that they should not be penalized when Greenland has no management plan for hunting the same population of polar bears.

The Board approved the 1997/98 polar bear quotas as recommended by RWED for Igloolik, Repulse Bay and Pelly Bay (**Resolution 98- 048**) as per the following:

| COMMUNITY   | POP. | QUOTA<br>1996/97 | QUOTA<br>1997/98 | TAG INPUTS          |
|-------------|------|------------------|------------------|---------------------|
| Igloolik    | FB   | 10               | 4                | Includes 1 QWB tag  |
| Pelly Bay   | GB   | 15               | 10               |                     |
| Repulse Bay | FB   | 13               | 6                | Includes 2 KWF tags |

Considerable discussion ensued on the proposed polar bear quota reduction for Grise Fiord. Members felt that Grise Fiord should not bear the full penalty for the over-harvest of Kane Basin females when the sustainability of the harvest is being jeopardized by Greenland which is not party to any management agreement. This situation emphasizes the need for co-management planning with Greenland for this and other shared populations.

Gordon Koshinsky asked what the implications might be for the continuing efforts to increase access of polar bear trophies into the USA. Dan noted that the USA already disallows importation of polar bear trophies from Kane Basin because of the situation with Greenland. Since the USA has been making its importation decisions on a population-specific basis, there should be no broader implications.

Kevin McCormick and Michael d'Eça observed that the HTO presumably entered into the Management Agreement in good faith on the assumption that female credits were available; a unilateral renunciation of the existence of such credits by the management agencies at this point would have its own negative implications. Malachi Arreak questioned the validity of the separation criteria used to define the Kane Basin population. He also observed that Grise Fiord has repeatedly drawn attention to the incursions by Greenland hunters.

The Board decided to approve a quota of three polar bears for Grise Fiord for the Kane Basin population for the 1997/98 season, and to stress the need for a management agreement with Greenland. (**Resolution 98- 049**)

## 5. NWMB-Funded Research Proposal: Baffin Bay Polar Bear Inventory

Dan Pike reviewed his briefing note on a request from the Broughton Island, Clyde River, and Pond Inlet HTOs for NWMB funds to support additional inventory work on the Baffin Bay polar bear population. Two years of mark/recapture studies have been completed but the results are not conclusive. Unusual prevalence of ice when the work was done may have enabled many bears to avoid mark/recapture. A third year of work is thus deemed necessary.

Dan also noted that this population is shared with Greenland and that the information will be required input for a cooperative management agreement. It is presumed that Greenland will make a significant funding contribution to this project. It was agreed to provide \$60,000 for the project. **(Resolution 98- 050)**

## **6. Other Business**

Ben Kovic advised that NTI and KIA were in process of making new appointments to the Board. NTI is apparently appointing Joan Scottie of Baker Lake. Kivalliq Inuit Association has advised that David Tagoona (also from Baker Lake) is their new appointee. Ben advised that the other two DIO appointees will be announced later in September.

Jim Noble requested guidance on disposition of equipment and records in the hands of replaced Board Members. This matter was referred to the Executive Committee for discussion and recommendation.

## **7. Adjournment**

The Conference Call adjourned at 3:45 p.m.

**Minutes Approved by:** \_\_\_\_\_ **Chairperson** \_\_\_\_\_ **Date**

# **NUNAVUT WILDLIFE MANAGEMENT BOARD**

## **RESOLUTIONS: CONFERENCE CALL No. 34**

**04 September 1997**

### **Resolution 98- 047**

Resolved that the NWMB support NTI in seeking a judicial review of the DFO Minister's August 15<sup>th</sup> decision on turbot allocations.

Moved by: Malachi Arreak                      Seconded by: Harry Flaherty  
Carried                      Date: 04 September 1997

### **Resolution 98- 048**

Resolved the NWMB approve the 1997/98 polar bear quotas as recommended by DRWED as follows: Igloolik (4); Repulse Bay (10); and Pelly Bay (6).

Moved by: Gordon Koshinsky                      Seconded by: Kevin McCormick  
Carried                      Date: 04 September 1997

### **Resolution 98- 049**

Resolved that the NWMB approve a quota of three polar bears for Grise Fiord from the Kane Basin population for the 1997/98 season, and that the NWMB stress the need for a polar bear management agreement with Greenland.

Moved by: David Igutsaq                      Seconded by: Kevin McCormick  
Carried                      Date: 04 September 1997

### **Resolution 98- 050**

Resolved that the NWMB provide \$60,000 to Nativak HTA, Clyde River HTA and Mittimatalik HTA in concert, for the project *Polar Bear Population Inventory: Baffin Bay*, for the fall of 1997/98 on the premise that Greenland also provide significant funding for this project.

Moved by: Harry Flaherty                      Seconded by: David Igutsaq  
Carried                      Date: 04 September 1997

