

# **NUNAVUT WILDLIFE MANAGEMENT BOARD**

**MINUTES: SPECIAL MEETING NO. 9**

**IQALUIT, 15 - 16 JANUARY 2001**

## **Members and Staff Participating**

Ben Kovic	Chairperson
Meeka Mike	Member
Moses Koonoo	Member
Gordon Koshinsky	Member
Okalik Eegeesiak	Member
Makabe Nartok	Member (by teleconference)
David Alagalak	Member (by teleconference)
Joan Scottie	Member (by teleconference)
Kevin McCormick	Member (by teleconference)
Jim Noble	Executive Director
Michelle Wheatley	Director of Wildlife Management
Gordon Tomlinson	Director of Finance & Administration
Michael d'Eça	NWMB Legal Advisor
Evie Amagoalik	NWMB Office Manager
Becky Mike	Interpreter

## **Not Available**

## **Other Participants**

Olayuk Akesuk	DSD Minister
Katherine Trumper	DSD Deputy Minister
Stephen Atkinson	DSD Director of Wildlife

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## **1. Call to Order**

The Chairperson, Ben Kovic, called the meeting to order at 7:00 p.m. on January 15. Ben explained that the NWMB Strategic Planning Workshop in Iqaluit this week was providing an opportunity for the Board to address some urgent matters of ongoing business by way of this Special Meeting. Ben noted that four of the Board Members had not been able to come to Iqaluit due to cancelled flights. These Members will be actively participating in the affairs of the NWMB this week via teleconference. Ben also advised that the DSD Minister was scheduled to address the Board at this Special Meeting.

### **Swearing-in Ceremony**

Ben reminded the Board that Harry Flaherty's term as a Board Member expired at the end of December. The Nunavut Government has appointed a new Member, Okalik Egeesiak, to replace Harry. Ben welcomed Ms. Egeesiak to the Board, noting that she was the fourth Member to be appointed by the Territorial Government. He looked forward to Okalik taking an active role in the business of the Board, and indicated that there would be a formal orientation process for her.

Michael d'Eça proceeded to swear in Okalik Egeesiak as a Member of the Nunavut Wildlife Management Board.

## **2. Agenda for the Special Meeting**

All Members confirmed that they had copies of the Agenda and associated briefing materials. Jim Noble confirmed that arrangements had been made for the DSD Minister to address the Board later this evening.

The Board decided (Resolution 2001- 01) to approve the Agenda as presented.

## **3. Pangnirtung Winter Turbot Fishery Allocation for 2001**

Michelle Wheatley reviewed the briefing note that she had prepared on this matter. She reminded the Members that the Pangnirtung winter turbot fishery has been active since before the inception of the NWMB, and that the NWMB has operated on the active presumption that this fishery has first call on the inshore quota for NAFO Sub-Area 0, Division 0B. The de facto practice has been to allocate 500 MT to this winter inshore fishery. The recent annual catch has been in the range of only 30 - 60 MT, due to perennially unfavourable ice conditions for fishing. Following completion of the winter fishery, the NWMB has invariably allocated the residual quota to offshore operations.

The Pangnirtung HTO has requested renewal of their licence for the 2001 winter turbot fishery, and is seeking the usual allocation of 500 MT. Michelle reminded the Board that the NWMB has authority to allocate 1,500 MT of turbot in Division 0B annually, of which 1,000 MT is an inshore quota.

The Board decided (Resolution 2001- 02) to approve the request from the Pangnirtung HTO for a licence to conduct a winter fishery for turbot in the inshore waters of Cumberland Sound in 2001, and to allocate 500 MT from the NAFO Sub-Area 0, Division 0B quota to this enterprise. This decision was made with the understanding that any residual quota remaining at the conclusion of this winter fishery will be re-allocated to summer (open-water) operations.

#### **4. M'Clintock Channel Polar Bear Quota: Decision of the DSD Minister**

Michelle noted that this was likely to be a topic that the DSD Minister would wish to discuss with the NWMB when he arrived later in the evening. The US Fish and Wildlife Service last week announced that they were de-certifying the M'Clintock Channel polar bear population with respect to its eligibility regarding importation of hunting trophies into the USA. Hunting from this population would ordinarily be expected to commence by about the end of January.

Michelle reminded the Board of its earlier decision, which had been communicated to the DSD Minister, for the adoption of a hunting quota of 12 animals for this polar bear population for 2001, moving to a moratorium on M'Clintock Channel polar bear hunting beginning in 2002. Michelle advised that DSD staff were indicating a lack of enthusiasm for this NWMB decision, suggesting that it might not go far enough to curtail the immediate harvest. The Board concluded that the NWMB had no basis for reconsidering its decision and would not be prepared to change it, at least not without opportunity to further consult with the affected communities.

#### **Presentation by Nunavut Minister of DSD**

The Nunavut Minister of the Department of Sustainable Development, Hon. Olayuk Akesuk, arrived at this point. He was accompanied by his Deputy Minister, Katherine Trumper and by his Director of Wildlife, Stephen Atkinson. Ben Kovic welcomed the Minister and his officials, and invited all present to introduce themselves to the rest of the persons assembled.

The Minister expressed his enthusiasm regarding this, his first opportunity to meet with the NWMB. He noted with satisfaction the recent appointment by the Nunavut Government of the newest Member, Okalik Egeesiak, to the NWMB. Mr. Akesuk stated that there were two items that he wished to discuss with the Board, both of which concerned polar bear management.

On the matter of making adjustments to the polar bear quota for M'Clintock Channel, the Minister reviewed the work of his Department which led to the conclusion that this population was in a depleted state. He reiterated the preference of his Department for an immediate closure of the hunt or, failing that, to a reduction in the quota to no more than eight animals. However he, in concert with his officials, had decided that in view of some minor uncertainties in the available information the decision that the NWMB had made and communicated to him would be a reasonable and acceptable

compromise.

The Minister also noted and expressed his concurrence with that part of the Board's decision calling for concerted attention to developing a long-term solution to this matter, including amelioration of impacts on the affected communities. The Department was assigning a high priority to finishing its study of this polar bear population over the next 2 - 3 years. The Minister also declared that he and one or more of his Cabinet colleagues would be touring the affected communities very shortly, in part to explore alternative economic opportunities.

The Minister next referred to the recent decision by Judge Robert Kilpatrick of the Nunavut Court of Justice to overturn his (Mr. Akesuk's) decision to disallow Noah Kadlak's request for authorization to hunt a polar bear by traditional means. Mr. Akesuk noted that the Judge had ruled that his (the Minister's) decision was unconstitutional, and had referred the matter back to him for reconsideration. The matter is currently under review by the Department. It is possible that the Judge's decision will be appealed.

Mr. Akesuk invited questions and discussions from the Board Members. Moses Koonoo sought to clarify the terminology regarding the weapon that Mr. Kadlak was proposing to use to conduct his traditional polar bear hunt. As understood by Moses, Mr. Kadlak proposes to use a harpoon, with a head that would remain embedded in the bear. A spear would be used to kill the bear after it had been secured by harpoon. Moses noted that a variety of harpoon heads are used by Inuit in their hunting activities, depending on the species of animal being pursued.

Ben Kovic noted that he and the NTI President had established a system of quarterly meetings on an informal basis with the previous DSD Minister, in order to discuss matters of mutual concern. He asked if Mr. Akesuk would be interested in continuing this tradition. Mr. Akesuk replied that he would be very pleased to participate in such meetings.

Gordon Koshinsky asked if the Minister saw merit in establishing a requirement or at least a process to ensure that there are discussions between the Board and the Department on any contentious issue before matters deteriorate to a point where NWMB decisions are being disallowed. Mr. Akesuk said that he would be pleased to work closely with Ben and with the Board to head off any such impasses.

Ben noted that the NWMB is two years away from its tenth anniversary, and stated that he had a vision of doing a presentation to the Nunavut Legislative Assembly on or near the anniversary date. He suggested that the Minister might want to keep in mind making provision for such an event.

The Minister concluded by assuring the Board that he and the Nunavut Government were fully committed to the co-management process for wildlife, and that he looked forward to working with the NWMB in this context. He specifically mentioned the

importance of the joint effort now underway to develop a new *Wildlife Act* for Nunavut.

Ben thanked the Minister for coming to address the Board and for his undertaking to work closely with the NWMB in the interests of wildlife conservation in the NSA. He invited the Minister to drop in on the NWMB's next formal meeting in Iqaluit the week of March 19.

Following the departure of the DSD Minister and his officials, the Board reverted to discussing the matter of polar bear quotas for M'Clintock Channel. The Board decided to request a letter from the Minister confirming that he had accepted the NWMB decision on this matter.

Since there was unfinished business on the agenda, it was decided to re-convene the following evening, January 16. The meeting adjourned at 8:55 p.m.

### **Tuesday Evening, 16 January 2001**

The Chairperson, Ben Kovic, re-convened the meeting at 7:00 p.m. He began by re-visiting agenda item 4, the matter of polar bear quotas for M'Clintock Channel. Jim Noble advised that following last night's meeting, a letter had been requested and received from the DSD Minister confirming his acceptance of the NWMB decision as previously outlined. Ben affirmed the role of the RWO in allocating the quota of 12 bears for 2001 among the three participating communities.

Meeka Mike reminded the Board that the NWMB decision was quite specific about the need to collect and incorporate traditional knowledge as input to a long-term solution for this problem. David Alagalak suggested that much thought will need to be given by all those concerned regarding how to proceed with this aspect. Moses Koonoo urged that the NWMB wait until after the Minister's forthcoming visits to the Kitikmeot communities before deciding any further course of action.

Michael d'Eça observed that the Minister's letter of acceptance refers to an NWMB "recommendation", when in fact he was accepting an NWMB decision. Michael did not propose that this error be addressed in this particular instance, but he urged that the Board stay vigilant about and guard against this common misconception. Michael also suggested, and Members agreed, that the Board and/or the Department should advise the USFWS of the actions taken with respect to revising the M'Clintock Channel polar bear quotas, this within the time frame and context of the 60-day appeal period pertaining to the decision by that agency to de-certify this population for the importation of polar bear trophy materials.

### **5. Traditional Polar Bear Hunt Proposal (Noah Kadlak): Update**

Michelle Wheatley referred to her note on this matter contained in the package of briefing materials. This item was for information only, since the matter was in the hands of the DSD Minister as he had acknowledged in his presentation to the Board

yesterday.

Michael d'Eça identified four basic options that seem available to the Minister:

- He could accept Judge Kilpatrick's decision;
- He could try to come up with better reasons for disallowing the hunt. In light of the NWMB's thorough treatment of public safety in its decision, it seems unlikely that such a course of action could succeed;
- He could adjust the terms of the hunt, perhaps defining it in very specific terms as a one-time event. The NWMB might wish to suggest this approach;
- He could appeal the Judge's decision.

## **6. NWMB Response to Perceived Crisis in Community-Based Management**

Michael d'Eça led the Board through his detailed submission on this subject. DFO has given every indication of being dissatisfied with how the community-based management initiative has unfolded. NTI has also expressed dissatisfaction, albeit from a different perspective. Nor can the "experiment" to date be deemed a success from the NWMB point of view. It seems clear that the NWMB will need to take some concerted action if this initiative is going to be salvaged. Michael presented five non-exclusive options for the NWMB to consider:

- Proceed to have Ben Kovic and Moses Koonoo contact the participating HTOs (as already agreed by the Board) to urge changes so as to improve the system;
- Circulate and promote the alternative (flexible revolving quota) management approach developed by the Director of Wildlife Management;
- Formally seek proposals for improving the present system;
- Organize a workshop involving the Narwhal Working Group, and other participants, to consider and institute changes to the present system; or
- Pursuant to the NWMB's *Rules of Practice for Public Hearings*, conduct pre-hearing consultations in order to:
  - assist the Board in deciding whether to hold public hearings;
  - identify concerns of the communities and of DFO, NTI and the RWOs;
  - discuss potential decisions, actions, alternatives and consequences;
  - collect and/or distribute information; and
  - discuss how the communities and others would participate in potential public hearings.

Among these various alternatives, Michael recommended the last one: undertake pre-hearing consultations. DFO and NTI officials also appear to be disposed to this approach. Michael listed the following advantages:

- While being prerequisite to the conduct of public hearings, pre-hearing consultations would not oblige the NWMB to proceed to that step;
- A decision to conduct pre-hearing consultations would signal to all concerned that the NWMB is giving this matter very high priority;
- Proceeding in this way will constitute an important and powerful precedent with respect to what constitutes a full NWMB review of an interim S. 5.3.24 decision; and

- The NWMB will be able to incorporate elements of most of the other options into a pre-hearing consultations exercise.

Kevin McCormick asked if pre-hearing consultations as proposed would satisfy the definition of a “full review” as the NWMB is obliged to undertake with respect to DFO’s interim decision to close the Qikiqtarjuaq narwhal hunt. Michael interpreted that this would be the case, or at least that the pre-hearing consultations could be designed to meet this requirement. David Alagalak supported the conduct of pre-hearing consultations in this vital matter, but reckoned that RWOs would not be able to come up with any funds to support this activity. Jim Noble suggested that costs to the NWMB, the RWOs and the HTOs could be directed to the NWMB budget for public hearings that is currently in place. DFO and NTI officials would presumably pay their own participation costs. Moses Koonoo urged that Arctic Bay be included in any such consultations; this community was approved for participation in community-based narwhal management but has not actually taken part in this process thus far. Ben Kovic stressed that DFO’s interim decision to close the Qikiqtarjuaq narwhal hunt merited top priority in any such consultations.

The Board decided (Resolution 2001-03) to undertake pre-hearing consultations with respect to the community-based management system for narwhal and (probably) beluga, with final decisions on scope and procedures to be worked out by the NWMB Chairperson and staff in consultation with the HTOs, the RWOs, and the other interested agencies. The Board also decided to ask its Legal Advisor to draft an approach to resolving the current problems with community-based management, this for possible use in the course of the consultations.

### **Appointment of Member to the Harvest Study Committee**

Jim Noble directed the attention of the Board to the need to identify a replacement for Harry Flaherty as a member of the Harvest Study Committee. The Board decided (Resolution 2001- 04) to appoint Kevin McCormick to this position. Kevin agreed to accept this appointment.

### **Review of NWMB Vehicle Policy**

Jim Noble tabled a proposed policy revision pertaining to the use of NWMB vehicles. It is proposed to incorporate the following new provisions:

- That repair and maintenance contracts for NWMB vehicles are to be initiated only by way of approved purchase documents;
- That when an NWMB vehicle is assigned to an NWMB employee:
  - personal use of such vehicle(s) by the employee, other than for the purpose of commuting to and from work, will be kept to a minimum;
  - personal use of any such vehicle(s) by the employee will be treated as a taxable fringe benefit;
  - the employee will store such vehicle(s) at his/her place of residence during evenings and weekends; and

- fuel purchases made in respect to any such vehicle shall be:
- made by way of NWMB credit card assigned to the employee;
- used for no purpose other than the operation of that vehicle, and
- recoverable from the employee in any amount exceeding \$240 per month.

The Board decided (Resolution 2001- 005) to accept the revisions to its policy for the use of NWMB vehicles as proposed by the Executive Director.

### **9. Review of NITC Protocol Agreement**

Jim Noble reminded the Members that in an earlier decision (Resolution 2000- 244) the Board had resolved to accept the *Training Protocol Agreement* between the Nunavut Implementation Training Committee and the NWMB dated November 2000. A contribution agreement giving effect to this decision has been forwarded by NITC and awaits NWMB signature. The terms of the contribution agreement as drafted include some onerous provisions pertaining to the NWMB, and may cast a new light on the *Training Protocol Agreement* per se. Jim suggested that the Board might want to review its original decision, giving particular consideration to the contribution agreement as drafted in light of his concerns.

The Board decided to defer further consideration of this matter to a later date. The Board instructed the Executive Director to prepare detailed briefing material, itemizing and explaining his concerns.

### **10. Adjournment**

Ben Kovic thanked Members, staff and advisors who participated in this the 9<sup>th</sup> Special Meeting of the NWMB, extending through two evenings. He closed the meeting at 9:00 p.m. January 16.

Minutes and Resolutions prepared by G. Koshinsky, and subsequently updated (with the input of various contributors) as at 02 May 2001.

<b>Minutes Approved by:</b> _____ <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Chairperson</span> <span>Date</span> </div>
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## **NUNAVUT WILDLIFE MANAGEMENT BOARD**

### **RESOLUTIONS: SPECIAL MEETING NO. 9**

**IQALUIT, 15 - 16 JANUARY 2001**



Resolution 2001- 001: Resolved that the NWMB approve the agenda for Special Meeting No. 9 as presented.

Moved by: David Alagalak

Seconded by: Makabe Nartok

Carried

Date: 15 January 2001

Resolution 2001- 002: Resolved that the NWMB approve the request from the Pangnirtung HTO for a licence to conduct a winter fishery for turbot in the inshore waters of Cumberland Sound in 2001, and to allocate 500 MT from the NAFO Sub-Area 0, Division 0B inshore quota to this enterprise.

Moved by: Meeka Mike

Seconded by: Moses Koonoo

Carried

Date: 15 January 2001

Resolution 2001- 003: Resolved that the NWMB undertake pre-hearing consultations with respect to the community-based management system for narwhal and (probably) beluga, with final decisions on scope and procedures to be worked out by the NWMB Chairperson and staff in consultation with the HTOs, the RWOs, and the other interested agencies.

Moved by: Gordon Koshinsky

Seconded by: Kevin McCormick

Carried

Date: 16 January 2001

Resolution 2001- 004: Resolved that the NWMB appoint Kevin McCormick to replace Harry Flaherty as a member of the Harvest Study Committee.

Moved by: Moses Koonoo

Seconded by: David Alagalak

Carried

Date: 16 January 2001

Resolution 2001- 005: Resolved that the NWMB adopt the following new provisions as additions to its policy governing the use of NWMB vehicles:

- That repair and maintenance contracts for NWMB vehicles are to be initiated only by way of approved purchase documents;
- That when an NWMB vehicle is assigned to an NWMB employee:
  - personal use of such vehicle(s) by the employee, other than for the purpose of commuting to and from work, will be kept to a minimum;
  - personal use of any such vehicle(s) by the employee will be treated as a taxable fringe benefit;
  - the employee will store such vehicle(s) at his/her place of residence during evenings and weekends; and
  - fuel purchases made in respect to any such vehicle shall be:
    - made by way of NWMB credit card assigned to the employee;
    - used for no purpose other than the operation of that vehicle, and
    - recoverable from the employee in any amount exceeding \$240 per month.

Moved by: David Alagalak

Seconded by: Moses Koonoo

Carried

Date: 16 January 2001