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Société Makivik

Makivik Corporation

May 19, 2017

Daniel Shewchuk
Acting Chairperson
Nunavut Wildlife Management Board
P.O. Box 1379
Iqaluit, NU Z0A 0H0

Re: Draft Makivik Submission to the Nunavut Wildlife Management Board - Nunavut Polar Bear Co-Management Plan

Dear Mr. Shewchuk,

Makivik Corporation (hereafter referred to as “Makivik”) would like to thank the Nunavut Wildlife Management Board (NWMB) for the opportunity to provide this submission. As you are no doubt aware, Makivik Corporation is the birthright organization that represents the rights and interests of the Inuit of Nunavik (northern Québec). It is a signatory to the Nunavik Inuit Lands Claims Agreement (NILCA) which established the Nunavik Marine Region (NMR), of which the majority lies adjacent to the Nunavut Settlement Area (NSA).

In general, Makivik is supportive of the of the Government of Nunavut’s Polar Bear Co-management Plan, and is especially pleased with the extensive community consultations that were undertaken to ensure that the plan reflects Nunavummiut values and attitudes. However, Makivik does have concerns with the area of application of the plan and how the plan could potentially be implemented.

There are two Areas of Equal Use and Occupancy (AEUO) identified in the Nunavut Land Claims Agreement (NLCA) and the NILCA. These AEUO are shared between Nunavut and Nunavik Inuit, and the respective rights of both Nunavut and Nunavik Inuit are set out in the NLCA s. 40 and the NILCA s. 27. On careful review of the Nunavut Polar Bear Co-management Plan, Makivik has concluded that the area of application of the plan is ambiguous. Nowhere in the plan does it state the geographical or jurisdictional boundaries within which the plan would apply. If the plan is meant to apply to the entire NSA, including the AEUO (as defined in NLCA s. 3), then Makivik finds the current version of the plan unacceptable, insofar as Nunavik Inuit have not been consulted on the plan, and have not had any opportunity to provide input into the current draft. Nunavik Inuit must be consulted on any plan that proposes changes to the current management regime in the AEUO and which could affect their rights. For instance, some of the non-quota limitations included in the plan, such as sex-selective harvesting, affect Nunavik Inuit rights to harvest in the AEUO, and any contemplation of acceptance and implementation of these limitations without consultation is contrary to the rights of Nunavik Inuit.

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Furthermore, Makivik reiterates that for any decision the NWMB is contemplating for the AEUO, regardless of whether or not it is exclusive to the said AEUO, the NWMB must employ the decision-making process outlined in NLCA s. 40.2.14 and NILCA s. 27.6.1 and 27.6.2. For clarity, that process requires decisions to be made with two Makivik-appointed alternate members sitting in lieu of members appointed to the NWMB by Nunavut Tunngavik Incorporated. Failure to do so would represent a breach of the processes for decision-making outlined in the Land Claims Agreements. In past decisions regarding polar bear, specifically the initial and final decisions on the establishment of a TAH for Foxe Basin polar bears, the NWMB has ignored this process, despite Makivik having raised attention to this matter in its submission to the public hearing.

In light of the ambiguity concerning the draft Nunavut Polar Bear Co-management Plan's area of application, Makivik proposes three possible alternatives:

- 1) That the plan be amended to clearly indicate that it does not apply to the AEUO;
- 2) That, if such an amendment is not made, the NWMB requests that the Government of Nunavut undertake meaningful and thorough consultations with Nunavik Inuit on the contents of the plan before it is approved by the NWMB;
- 3) i) That the NWMB make a decision now that is applicable to the NSA, but excluding the AEUO and
ii) Upon completion of consultations and integration of the Nunavik Inuit input into a revised plan, that the NWMB along with the Makivik-appointed alternate members would approve the revised plan applying only for the AEUO, in accordance with the NILCA and NLCA.

Makivik would like to correct several other elements of the draft Nunavut Polar Bear Co-management Plan. In Appendix B II, referencing the Davis Strait subpopulation, the plan erroneously states that Nunavik currently has a Total Allowable Harvest (TAH) of 32. In fact, there is no TAH (or Total Allowable Take – TAT) currently in place in either the Nunavik Marine Region or onshore Nunavik for this subpopulation. Makivik would also like to object to the recommendation for the Davis Strait subpopulation that the current population abundance should be maintained. In the outcome document produced after the 2010 user-to-user meeting held in Kuujuaq, the majority of parties to the meeting, including Makivik and the Government of Nunavut, expressed the desire that the management objective for this subpopulation was to reduce the abundance of polar bears. From a Nunavik perspective, this objective has not changed, as our communities with the Davis Strait subpopulation boundaries continue to experience a higher abundance of polar bears than is acceptable. Furthermore, the current abundance of Davis Strait polar bears is negatively impacting other species, such as the Common Eider and Ringed Seal, upon which these same communities depend.

For Appendix B III, the South Hudson Bay subpopulation, a TAT of 23 (not 22 as stated in the plan) has been established for the Nunavik Marine Region and parts of the Eeyou Marine Region. However, this TAT has not been implemented by the relevant Government Authorities, and

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indeed is currently subject to court proceedings in a judicial review. Additionally, since expiry of the 2014 voluntary agreement (in November 2016), there is no TAH for Ontario, although there is a longstanding maximum harvest of 30 polar bears. Similarly, no TAT has been established in Nunavik for the Foxe Basin subpopulation.

Makivik trusts that the NWMB will take the necessary steps to ensure that all of the information presented in the Nunavut Polar Bear Co-management plan is accurate prior to its approval. As well, Makivik expects that the NWMB will adhere to the decision-making process for AEUO that is defined under the NILCA and NLCA. If the NWMB determines that doing so is not appropriate, the Board should provide a detailed rationale for its decision to exclude Nunavik Inuit from the decision-making process.

Again, Makivik is thankful for this opportunity to share its views with the NWMB as the board members deliberate this important matter and is confident that these comments will be seen as a productive and useful contribution to the decision-making process.

Sincerely,



Adamie Delisle-Alaku
Executive Vice-president,
Resource Development Department
Makivik Corporation