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January 28, 2011

The Honourable Gail Shea Minister of Fisheries and Oceans 15th Floor, Centennial Towers 200 Kent Street Ottawa, Ontario K1A 0E6

Re: Proposed listing of the Arctic Lakes populations of Atlantic Cod as a species of Special Concern under the Species at Risk Act

Dear Minister Shea,

The Nunavut Wildlife Management Board (NWMB or Board) received a letter on December 3rd, 2010 (dated November 29th, 2010; see attached) outlining the process that Fisheries and Oceans Canada (DFO) intends to take with regards to the proposed listing of the Arctic Lakes populations of Atlantic Cod as a species of *Special Concern* under the *Species at Risk Act*. The NWMB would like to provide an initial response to the proposed listing process.

In May 2003, COSEWIC evaluated the Arctic Lakes populations and the Arctic Marine populations of Atlantic Cod as a single unit, and assessed it to be of *Special Concern*. Consultations were held in Iqaluit, Pangnirtung and Qikiqtarjuaq in November 2004. Neither the Hunters and Trappers Organizations (HTOs) and their communities, or the NWMB were in support of the listing under the *Species at Risk Act (SARA)*. At that time the federal government returned the assessment to COSEWIC for re-assessment citing the following reasons:

- The COSEWIC assessment did not include adequate Aboriginal Traditional Knowledge;
- It was not clear why COSEWIC combined the marine and lake populations into a single assessment; and
- There was no evidence presented by COSEWIC to support a decline in the population in either the arctic marine or landlocked populations.

Other than separating the Atlantic Cod's arctic populations into two separate units in April 2010, it is not clear to the NWMB how the 2010 COSEWIC assessment has made progress on the issues identified above. The Species at Risk Act recognizes that the traditional knowledge of Aboriginal peoples of Canada

should be considered in the assessment of which species may be at risk and in developing and implementing recovery measures. The NWMB is therefore requesting a response from your Department outlining adequate Aboriginal Traditional Knowledge (ATK) included in the 2010 assessment and evidence that supports a decline in any of the Arctic lakes populations of Atlantic Cod. In addition, the 2010 assessment lists the following reasons for the status designation of Special Concern:

"This designatable unit (DU) exists in 3 isolated lakes on Baffin Island, Nunavut, of which the combined surface area is less than 20 km². Rescue from other DUs is not possible. One of the lakes, Ogac Lake, is accessible for fishing and large numbers of the species may be removed from the lake if fishing increases."

It is the NWMB's understanding that ATK indicates the existence of additional landlocked populations of Atlantic Cod on Baffin Island, as identified by members of the local HTOs (at NWMB Regular Meeting 64 in Pangnirtung, June 19-24 and NWMB Regular Meeting 65 in Iqaluit, September 14-16). Due to this potential and a lack of information, it is the NWMB's recommendation that the listing process *not* proceed at this time, and that DFO work with the local communities to confirm the existence of additional landlocked populations of Atlantic Cod on Baffin Island.

Further on this, the NWMB has a concern with regards to the Species at Risk Act Consultation Workbook on the proposed addition of the Atlantic Cod (Arctic Lakes populations) to the List of Wildlife Species at Risk as Special Concern. Part 1 of the workbook provides general background information on the federal Species at Risk Act (SARA), and explains how a species is added to the List of Wildlife Species at Risk, and what happens once that occurs. The Species at Risk Act recognizes that "the roles of aboriginal peoples of Canada and of wildlife management boards established under land claims agreements in the conservation of wildlife in Canada are essential". The process described in the workbook however does not recognize the Memorandum of Understanding to Harmonize the Designation of Rate, Threatened and Endangered Species Under the Nunavut Land Claims Agreement and the Listing of Wildlife Species at Risk Under the Species at Risk Act, or the important role of the NWMB in the listing decision-making process. Additionally, the workbook states that a if the listing is approved, a management plan will be required within three years of the species being added to the SARA list, which may include restriction of recreational fishing in areas where the species is known to occur. It is important to note that any management plan developed, as well as any proposed restrictions on Inuit harvesting, would have to be approved by the NWMB. Given that this designatable unit (DU) is entirely contained within Nunavut and the workbooks have been distributed to Inuit and other Aboriginal organizations, the listing process should be accurately described as it exists in Nunavut.

Should you or your staff require further clarification or have any concerns pertaining to the rationale put forth in this letter, please do not hesitate to contact the NWMB.

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Mikidjuk Akavak Chairperson of the

Nunavut Wildlife Management Board

Cc: Sam Stephenson, Species at Risk Program, Fisheries and Oceans Canada