

# **SUBMISSION TO THE NUNAVUT WILDLIFE MANAGEMENT BOARD**

## **FOR**

**Information:**

**Decision: X**

**Issue:** SARA listing process for Cumberland Sound Beluga, Eastern High Arctic Beluga and the Arctic population of Atlantic Cod

### **Background:**

In recent months the Nunavut Wildlife Management Board (NWMB), Minister of the Environment and Minister of Fisheries and Oceans approved the Memorandum of Understanding to Harmonize the Designation of Rare, Threatened and Endangered Species under the *Nunavut Land Claims Agreement* and the Listing of Wildlife Species at Risk under the *Species at Risk Act* (SARA). As all Parties to the MOU have now approved the document, Fisheries and Oceans Canada (DFO) is developing plans to begin the SARA listing process, as described in the MOU, for Cumberland Sound Beluga, Eastern High Arctic-Baffin Bay Beluga and the Arctic population of Atlantic Cod.

DFO will not move forward with species and populations that occur in Nunavik waters until an MOU has been developed and approved to harmonize the SARA listing process and Nunavik Inuit Land Claims Agreement. This means the SARA listing process will not move forward at this time for Western Hudson Bay Beluga, Eastern Hudson Bay Beluga, Ungava Bay Beluga, Narwhal and Atlantic Walrus.

### **Cumberland Sound Beluga**

In May 2004, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessed Cumberland Sound Beluga as Threatened. The reason given by COSEWIC for the Threatened designation is that the numbers of belugas in Cumberland Sound had declined between the 1920s and 2004. Hunting has been regulated since the 1980s and the current quota appears to be sustainable but this Beluga population is still subject to other threats. (The full COSEWIC assessment summary is shown on page 5.)

Consultations were held in Pangnirtung on possible SARA listing in November 2004. The Hunters and Trappers Organization (HTO) and community did not support listing.

In August 2006, the Governor in Council decided not to list Cumberland Sound Beluga, at that time, to allow further engagement with the Nunavut Wildlife Management Board to ensure that future listing decisions are made in full consideration of the views of Inuit.

Now that the MOU has been signed off, the SARA listing process can resume in accordance with the harmonized standard listing process set out in the MOU. DFO is of the view that the Minister of Environment can re-commence the listing process under SARA s.27(1.1) by re-submitting the 2004 COSEWIC assessment to the Governor in Council.

#### Eastern High Arctic-Baffin Bay Beluga

In May 2004 the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessed Eastern High Arctic-Baffin Bay Beluga as Special Concern. The reason given by COSEWIC for the Special Concern designation is that part of the population spends the winter in west Greenland where it is heavily hunted. The rest of the population spends the winter in Baffin Bay and the High Arctic where it is not hunted in winter and where hunting pressure is low in summer. (The full COSEWIC assessment summary is shown on page 6.)

Consultations were conducted in January 2005. Meetings were held in Grise Fiord, Resolute Bay and Taloyoak, and consultation documents were sent to Pond Inlet and Arctic Bay. Responses received from HTOs and communities did not support listing.

In August 2006, the Governor in Council decided not to list Eastern High Arctic-Baffin Bay Beluga, at that time, to allow further engagement with the Nunavut Wildlife Management Board to ensure that future listing decisions are made in full consideration of the views of Inuit.

#### Arctic population of Atlantic Cod

In May 2003 the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessed the Arctic population of Atlantic Cod as Special Concern. The reason given by COSEWIC for the Special Concern designation is the uncertainty about the number of locations where these fish occur, that adults may number no more than a few thousand, they are sensitive to human activities and fishing is poorly regulated. (The full COSEWIC assessment summary is shown on page 6.)

Consultations were held in Iqaluit, Pangnirtung and Qikiqtarjuaq on possible SARA listing in November 2004. The HTOs and communities did not support listing.

The Minister of the Environment proposed that the Arctic population of Atlantic Cod be returned to COSEWIC and the NWMB agreed with the Minister of Environment's recommendation. In April 2006 the Governor in Council referred the assessment back to COSEWIC for two reasons: (1) it did not include adequate Aboriginal Traditional Knowledge and (2) it did not clearly differentiate between the marine and landlocked populations for their assessment. In December 2006, COSEWIC reaffirmed their original assessment without reassessing the species, citing an absence of new information that would lead to a change in status. COSEWIC also noted the Special Concern category is not based on any indices of decline, but is

used to identify species which may become Threatened or Endangered because of a combination of biological characteristics and identified threats.

The Minister of Environment issued a Response Statement in March 2007 indicating how the Federal Government plans to proceed. The Minister will forward the COSEWIC assessment to the Governor in Council once the SARA listing process has been harmonized with the Nunavut Land Claims Agreement. Further opportunities to comment on possible listing will be posted on the Public Registry. Comments received during current and previous consultations will be reviewed. Following consultations with the Minister of Fisheries and Oceans, the Minister of the Environment will make a recommendation on whether or not to add the Arctic population of Atlantic Cod to the SARA List. The Governor in Council will make a decision within nine months of having received the assessment.

**New information since the COSEWIC assessment:**

Cumberland Sound Beluga

DFO conducted aerial surveys for belugas in Cumberland Sound in August 2005. Unfortunately poor weather hampered and delayed the surveys until mid-August and prevented the survey crew from surveying the western side of Cumberland Sound adequately. This resulted in three concerns: (1) it may have been too late in the summer to get high beluga numbers in Clearwater Fiord; (2) it was difficult to compare the mid-August 2005 survey with earlier surveys which had been conducted in early August (in 1990 and 1999) because the distribution of belugas may be different in early August than in mid-August; and (3) significant numbers of belugas may have been present in western Cumberland Sound at the time of the survey but couldn't be seen due to the poor weather. In spite of these concerns the 2005 survey showed roughly comparable estimates of belugas at the water surface in Clearwater Fiord and northern Cumberland Sound in 2005 (837 belugas) as in the same areas in 1999 (933 belugas). Further surveys are needed to determine the current population trend, so another aerial survey is planned for summer 2009.

The only other research conducted on Cumberland Sound belugas since the COSEWIC assessment has been tagging work. One beluga was tagged in summer 2006 and two in summer 2007; the tags transmitted during the summer and fall. The tagging results provided information on habitat and will be used to develop a correction factor for aerial surveys to account for whales that are below the water surface when the survey plane flies over.

It is unlikely these survey and tagging results would change the COSEWIC assessment of Threatened for this population.

#### Eastern High Arctic-Baffin Bay Beluga

No new information is available for the Eastern High Arctic-Baffin Bay population since the 2004 COSEWIC assessment. Analysis of genetic samples is planned for 2008-09 to address the question of whether the belugas that spend the winter off West Greenland are a distinct population from those that winter in north Baffin Bay. This has important implications for whether the current population should be split into two components and assessed separately by COSEWIC.

#### Arctic population of Atlantic cod

Since the 2004 COSEWIC assessment, the biology and ecology of Atlantic Cod populations in Ogac Lake (Frobisher Bay) and Qasigaliminiq and Tariujarusiq Lakes (at the southwestern end of Cumberland Sound) have been studied in some detail. Those studies suggest that Atlantic Cod arrived in the Arctic about 5000-8000 years ago during a warmer period. As temperatures cooled and ice cover increased, most Atlantic cod were pushed back south again except in a few warmer saline lakes on southeastern Baffin Island. These remaining populations of cod are distinctly different than those found in eastern Canada. The Atlantic cod found in the Arctic are large and produce many young. Cannibalism of younger cod by older cod occurs regularly, especially in Ogac Lake, and may be the only way that these fish can reach high growth rates and maturity. While this new information provides a better understanding of the biology and ecology of this species, it likely would not change the COSEWIC assessment.

The 2004 COSEWIC status report said that little is known about the marine component of the Arctic population of Atlantic cod. That assessment is still true. DFO's examination of the by-catch taken during the commercial turbot fishery along the southeastern coast of Baffin Island in 2006 revealed few Atlantic cod. All were captured offshore of Cumberland Peninsula at 400-600 m (1300-2000') depths.

#### **SARA listing process:**

#### Cumberland Sound Beluga, Eastern High Arctic-Baffin Bay Beluga and Arctic population of Atlantic Cod

As public consultations have been completed for both Beluga populations and the Arctic population of Atlantic Cod, the next step in the MOU requires DFO to provide information to NWMB regarding the results of these consultations (step 3.8). As the timeline set out in the MOU is not compatible with current events, DFO recommends shifting the MOU timeline by three months so that it fits the current circumstances. This would mean that step 3.8 would occur in mid-July instead of mid-April, and so on. Under the proposed three-month shift in timeline the NWMB would conduct a public consideration of SARA listing of the two Beluga populations and Cod at the December (2008) quarterly meeting and forward its decisions to the Minister of Fisheries and Oceans by no later than January 15<sup>th</sup>. If the Minister rejects the NWMB's initial decisions, the NWMB would reconsider its decisions at the March (2009) quarterly decision.

**Recommendations:**

The decisions required are as follows:

- For Cumberland Sound Beluga - whether to shift the MOU timeline by three months
- For Eastern High Arctic-Baffin Bay Beluga – whether to shift the MOU timeline by three months
- For Arctic population of Atlantic cod – whether to shift the MOU timeline by three months

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**COSEWIC Assessment Summary – May 2004****Common name**

Beluga whale (Cumberland Sound population)

**Scientific name**

*Delphinapterus leucas*

**Status**

Threatened

**Reason for designation**

Numbers of belugas using Cumberland sound have declined by about 1500 individuals between the 1920s and the present. The population decline is believed to have been caused by hunting by the Hudson Bay Company into the 1940s and by the Inuit until 1979. Hunting has been regulated since the 1980s. Current quotas (41 in 2003) appear to be sustainable. Concerns have been raised about increased small vessel traffic and the associated noise of outboard motors, as well as fishery removals of Greenland halibut, a food of belugas.

**Occurrence**

Arctic Ocean, Nunavut

**Status history**

The Southeast Baffin Island-Cumberland Sound was designated Endangered in April 1990. In May 2004, the structure of the population was redefined and named “Cumberland Sound population”, and the Southeast Baffin Island animals were included as part of the Western Hudson Bay population. Status re-examined and designated as Threatened in May 2004. Last assessment based on an update status report.

## **COSEWIC Assessment Summary – May 2004**

### **Common name**

Beluga whale (Eastern High Arctic/Baffin Bay population)

### **Scientific name**

*Delphinapterus leucas*

### **Status**

Special Concern

### **Reason for designation**

The population overwinters in Baffin Bay and west Greenland and may consist of two distinct populations. It is heavily hunted in west Greenland. However, most of the population winters in Baffin Bay and the High Arctic where it is not hunted. Hunting pressure in Canadian waters is low in summer.

### **Occurrence**

Arctic Ocean, Nunavut

### **Status history**

Designated Special Concern in April 1992 and May 2004. Last assessment based on an update status report.

## **COSEWIC Assessment Summary – May 2003**

### **Common name**

Atlantic cod (Arctic population)

### **Scientific name**

*Gadus morhua*

### **Status**

Special Concern

### **Reason for designation**

Cod in the Arctic occur mostly in a few coastal salt lakes, and numbers of adults may be no more than a few thousand. Uncertainty with respect to the actual number of locales and populations makes it difficult to assign any higher status, but the known populations are sensitive to human activities. Poorly regulated fishing is a potential threat.

### **Occurrence**

Arctic Ocean

**Status history**

The species was considered a single unit and assigned a status of Special Concern in April 1998. When the species was split into separate populations in May 2003, the Arctic population was designated Special Concern. Last assessment based on an update status report.