

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

## **FOR**

**Information:**

**Decision: X**

**Issue:** Implementation of an Interim Narwhal Flex-Quota System

### **Background:**

In April 2013, the Integrated Fisheries Management Plan (IFMP) for narwhal in the Nunavut Settlement Area came into effect. The IFMP provides for a staged, evidence based development and incorporation of Marine Mammal Tag (MMT) transfer in three phases (TAB 1). Tag transfer Phase I was implemented for the 2013/14 narwhal fishery and provides for simple quota reconciliation for communities that **do not** harvest from mixed narwhal stocks (e.g. communities that harvest from the Northern Hudson Bay narwhal Management Unit and the Somerset Island Management Unit).

Tag transfer Phase II and III are to be considered for implementation in the narwhal fishery by co-management organizations once Canadian Science Advisory Secretariat (CSAS) advice is received on their sustainable viability for the fishery.

CSAS advice on tag transfer Phase II is being finalized for consideration for incorporation in the 2014/15 narwhal fishery. It provides for simple transfers of migratory MMT similar to that outlined in Phase I, for the four communities on Baffin Island (Arctic Bay, Pond Inlet, Clyde River and Qikiqtarjuaq) that **do** harvest from mixed narwhal stocks.

A request for CSAS advice on tag transfer Phase III was submitted by DFO Resource Management to DFO Science in December 2013, for evaluation and advice in 2014 in anticipation of implementation in the 2015/16 narwhal fishery. It provides for a “flexible” quota system whereby communities can carry-over a proportion of their unused Marine Mammal Tags (MMT) to use for narwhal harvesting in the next harvest year. This is similar in concept to a provision that was implemented on a trial basis in the fishery under Community Based Management for narwhal and beluga in 5 Inuit communities for 10 years; but was never subject to scientific peer review for validation of sustainability.

In June 2013, the Senior Assistant Deputy Minister wrote the NWMB outlining the Department’s decision to issue a standing Non-Detriment Finding (NDF) for the narwhal population of Northern Hudson Bay and summering aggregations of Somerset Island, Admiralty Inlet, Eclipse Sound and East Baffin Island.

The 2013 Canadian narwhal NDF is considered valid until new management or scientific information is made available (e.g. updated Science advice or changes to the current management regime) at which time it will be modified, as appropriate.

NDFs are required to export products of species listed under the Convention on International Trade of Endangered Species of Flora and Fauna (CITES). Narwhal are listed on Appendix II of CITES and, as a range State, Canada is responsible for assessing the conservation status of narwhal in Canadian waters to determine whether harvest is sustainable and whether exports are detrimental to the survival of the species in the wild.

NDF assessments are based on the best available scientific and management information. A negative NDF report results in the suspension of international trade in the parts and products from the stocks and populations of the species in question.

At the Qikiqtaaluk Regional Wildlife Organization (RWO) Annual General Meeting – post-season fishery review, Nunavut Tunngavik Inc. (NTI) challenged the delay in implementation of tag transfer Phase III (flexible quota system) in the fishery while awaiting CSAS review and advice. It was expressed that the lack of a flexible quota system represents an unnecessary restriction on Inuit harvesting rights under the Nunavut Land Claims Agreement (NLCA) and can be addressed through the decision making process set out in the NLCA.

In response to NTI concerns, DFO agreed to explore options to see if a form of flexible quota system could be developed for interim implementation in the narwhal fishery while the CSAS review and advice is generated in 2014.

In December 2013, DFO Resource Management, in consultation with DFO Science and DFO CITES Scientific and Management Authorities developed a draft 5-point quota carry-over rule for interim implementation in the narwhal fishery until the CSAS review and advice for implementation of narwhal tag transfer Phase III is completed.

The 5-point quota carry-over rule (TAB 2) provides for the use of unused narwhal Marine Mammal Tags (MMT) from one harvest season into the next season only, after which point they expire.

The 5-point quota carry-over rule, as stipulated, does not readily appear to constitute an identifiable conservation concern for narwhal stocks based on a preliminary, non-peer reviewed examination by a narwhal science subject-matter expert.

The 5-point quota carry-over rule does however constitute a change in the management of narwhal under the IFMP. As a result, DFO CITES Scientific and Management authorities note that this may open the current standing NDF for narwhal if challenged. The authorities also note that it is imperative that the CSAS peer review and advice for implementation of tag transfer Phase III be conducted in 2014 on a priority basis.

In January 2014, DFO Resource Management and Science officials met with staff representatives from NTI, NWMB and QWB to discuss risks and benefits of implementation of the 5-point rule in the 2014/15 narwhal fishery.

There is general agreement amongst the parties to the approach and an acknowledgement of potential risks associated with it. To that end, DFO and NTI have prepared this joint request for decision to the for NWMB for consideration and decision on interim implementation of the 5-point quota carry-over rule in the narwhal fishery until the CSAS peer review and advice on tag transfer Phase III is complete.

NTI will be soliciting input from the RWOs on the proposed interim flex-quota system and the potential risks related to the standing NDF.

**Recommendations:**

Pending support from the RWOs, DFO and NTI recommend that the NWMB approve the proposed interim narwhal flex-quota system (Marine Mammal Tag Transfer Policy Phase III) for implementation in 2014-15.

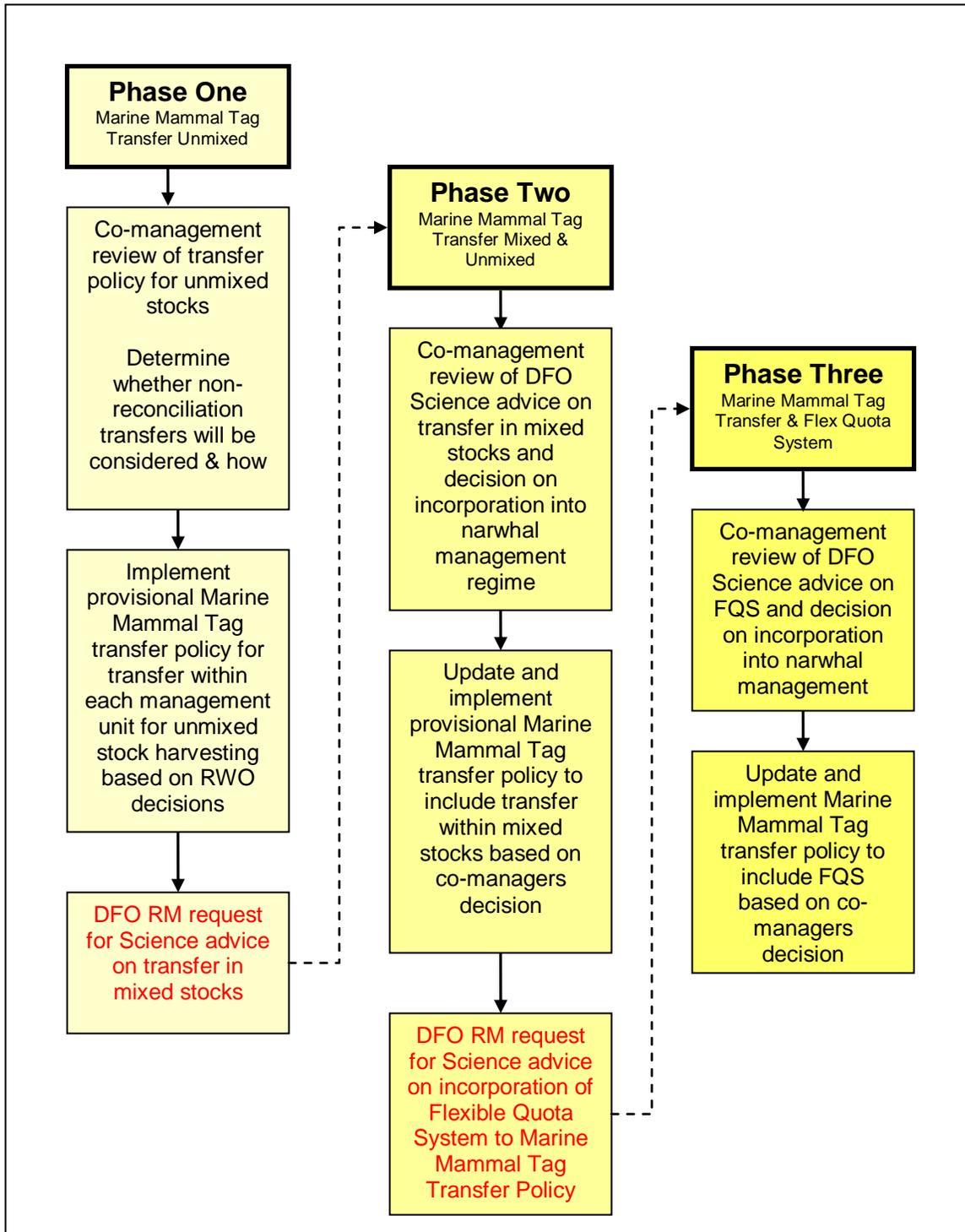
**Attachments:**

- TAB 1: Three Phase Narwhal Marine Mammal Tag Transfer Implementation
- TAB 2: 5-point quota carry-over rule
- TAB 3: 2014-15 Narwhal Harvest Allocations under the 5-point quota carry-over rule
- TAB 4: Narwhal Marine Mammal Tag Transfer Policy

**Consultations:** Pierre Richard (on contract to DFO Science)

**Prepared by:** DFO Resource Management – Central and Arctic Region and  
NTI – Department of Wildlife and Environment

**Date:** Feb. 3, 2014



**Figure 5.** Flow chart depicting steps in progressive, evidence based approach to development and implementation of a Marine Mammal Tag transfer policy for the 2013 narwhal fishery in the Nunavut Settlement Area. The chart delineates the steps required rather than the time sequence for the process.

## **TAB 2**

### **Five-point narwhal quota carry-over rule**

1. All unused quota for a given harvest season within MU is carried-over for use in the subsequent harvest season. (i.e. summer to summer; migratory to migratory; all season to all season)
2. Carried-over quota (MMT) is applied first to any narwhal harvests in the subsequent harvest season before current season quota (MMT) is applied to harvest.
3. Carried-over quota expires at the end of the harvest season for which it was carried-over into.
4. The system resets to zero whenever the TAH for a MU is modified by the NWMB (i.e. unused quota in a MU prior to the TAH modification cannot be carried-over into the subsequent harvest season under the “new” TAH)
5. All other rules of tag transfer Phase I still apply. No transfer of MMT between MUs. No transfer of summer MMT with migratory MMT within a MU.

Table 1. Draft 2014-15 Narwhal Harvest Allocations under an Interim Flex-Quota System.

Management Unit	Community	Season	2013-14 MMT Allocation	Reported Landings	Carry-over	Potential 2014-15 MMT Allocation
Northern Hudson Bay	11 Communities	All-Season	147	129	18	165
Admiralty Inlet	Arctic Bay	Summer	125	125	0	125
		Migratory	65	34	31	96
Eclipse Sound	Pond Inlet	Summer	137	137	0	137
		Migratory	53	15	38	91
East Baffin Island	Clyde River	Summer	42	24	18	60
		Migratory	28	24	4	32
	Qikiqtarjuaq	Summer	42	6	36	78
		Migratory	78	77	1	79
	Pangnirtung & Iqaluit	All-Season	60	21	39	99
Somerset Island	8 Communities	All-Season	450	46	404	854
Smith Sound, Jones Sound, Parry Channel	Grise Fiord	All-Season	50	7	43	93

Note: MMT = Marine Mammal Tag.

## Appendix 5 – Marine Mammal Tag Transfer Policy

### **Phase One<sup>1</sup>: Marine Mammal Tag transfers for narwhal harvesting when stocks are not mixed<sup>2</sup>.**

The purpose of Marine Mammal Tag transfers is to assist Regional Wildlife Organizations (RWOs) to:

1. Cover off over-harvest of a Community Harvest Limit (CHL) by allowing the exchange of unused Marine Mammal Tags between communities within the management unit, during the current narwhal harvesting year
2. Plan for, and allow, transfers of Marine Mammal Tags between communities within a management unit, during the current narwhal harvesting year, to maximize harvests in response to year to year variance in narwhal availability.
3. When there are not enough unused Marine Mammal Tags available for exchange, reconcile over-harvests within the management unit by reducing the following year's allocation and harvest from the community that over-harvested

### **General provisions of Phase One:**

1. Following the establishment of a Total Allowable Harvest Level (TAH) and Basic Needs Level (BNL) for each narwhal stock/population and the establishment of corresponding management units based on known summering areas, the BNL for each stock/population will be allocated annually, by the RWO to the Hunter and Trappers Organizations (HTO), in each management unit. The allocation will be in the form of Community Harvest Limits. Depending on whether or not a community harvests from mixed migratory stocks, each community will receive either an All-Season Community Harvest Limit, or a Summer-Season and Migratory-Season Community Harvest Limit. The number of Marine Mammal Tags a community receives will correspond to its Community Harvest Limit(s) (All- Season, Summer-Season and Migratory-Season).
2. A valid Marine Mammal Tag is required to hunt a narwhal.
3. Individual Marine Mammal Tags may only be used to land one narwhal.
4. Marine Mammal Tags may only be used in the harvest season for which they were issued. At the end of the season, any unused tags expire and cannot be used in subsequent years.

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<sup>1</sup> These basic transfer provisions will be amended/expanded as required to reflect DFO Science advice on incorporation of mixed stock transfer in phase two and to reflect DFO Science advice on incorporation of a flexible quota system to the tag transfer policy in phase three (see figure 1).

<sup>2</sup> In the four Baffin Bay management units, stocks are not mixed when whales are in their summering areas. In the Northern Hudson Bay management unit, the stock is not mixed throughout the entire year

5. The transfer of Marine Mammal Tags is not permitted between management units.
6. Transfers of Marine Mammal Tags are subject to RWO(s) pre-approval.
7. Marine Mammal Tag transfers between communities in a management unit are allowed for harvesting when stocks are not mixed, for the purposes identified above (i.e. to cover off an individual community's over-harvest, to maximize harvests or to reconcile over-harvests within the management unit) subject to pre-approval by the RWO(s).
8. Marine Mammal Tag transfers cannot occur once the sum of the Community Harvest Limit(s) (All-Season, Summer-Season) for that management unit in any given harvest season is reached.
9. Marine Mammal Tag transfers cannot occur during the Migratory-Season in any management unit.
10. In the event that insufficient Marine Mammal Tags are available within a management unit for harvest reconciliation, community over-harvests will be reconciled with a compensatory reduction in that HTO's annual Community Harvest Limit (All-Season, Summer-Season) by the RWO for the next narwhal harvest season.
11. Requests for Marine Mammal Tag transfers for any other purposes (e.g. cross-species tag transfers or barter for wildlife products) will be forwarded to the NWMB by the RWO for the management unit for decision on a case-by-case basis as per their authority under NLCA s.5.2.33 (k). Such requests can only be considered if the transfer does not jeopardize the conservation status of the stocks or populations of wildlife in question and does not violate the terms of the management regimes governing the specific wildlife species in question.