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October 3rd 2012

The Honourable Peter Kent
Minister of Environment
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, Quebec
K1A 0H3

Dear Minister Kent:

Re: Nunavut Wildlife Management Board decision on the proposed listing of Atlantic cod (Arctic Lakes population) as a species of Special Concern under the federal *Species at Risk Act*

1. THE NWMB DECISION

On June 11th 2012, the Nunavut Wildlife Management Board (NWMB or Board) met in Iqaluit, Nunavut to consider the results of a written hearing on the proposed listing of Atlantic cod (Arctic Lakes population) as a species of Special Concern under the federal *Species at Risk Act*. The Board passed the following resolutions:

- (1) "RESOLVED that the NWMB decline to approve the proposed listing of Atlantic Cod (Arctic Lakes population) due to insufficient evidence for the listing of Special Concern."
- "FURTHER RESOLVED that the NWMB recommend that DFO conduct further research into the number of Baffin Region lakes with Atlantic Cod."
- (2) "RESOLVED that the NWMB recommend the DFO investigate the fishing pressure at Ogac Lake and report back to the NWMB at the earliest reasonable opportunity."

This notification of the NWMB decision is in accordance with subsection 3.14 of 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* (Memorandum).

2. NWMB WRITTEN HEARING BACKGROUND

Environment Canada – Canadian Wildlife Service (EC – CWS) submitted a proposal for decision on the proposed listing of Atlantic cod (Arctic Lakes populations) as Special Concern under the *Species at Risk Act* (SARA) to the NWMB on December 12th 2011. The NWMB invited submissions from relevant parties and issued a public notice of the proposed listing on March 7th 2012. The proposal and NWMB relevant documents are publicly available on the hearing registry on the Board's website (www.nwmb.com). No written submissions were received by the May 7th deadline from the hearing parties, i.e. Government of Nunavut Department of Environment, Nunavut Tunngavik Incorporated, Qikiqtaaluk Wildlife Board, Hunter and Trappers Organizations (HTOs), or the general public.

3. EVIDENCE AND ARGUMENTS CONSIDERED

Given the lack of response to the written hearing, the NWMB carefully reviewed the reasons for the COSEWIC listing and the results of the Fisheries and Oceans Canada (DFO) consultations in making its decision. DFO conducted consultations with HTOs and held public meetings in Pangnirtung and Iqaluit in March 2011, and submitted a summary of these consultations to the NWMB in mid-April 2011. A brief summary of party positions and key points made during the DFO consultations is attached to this letter in Appendix A.

4. COSEWIC'S REASONS FOR ITS DESIGNATION OF SPECIAL CONCERN

Pursuant to the terms of SARA, a listing of "*Special Concern*" is justified when a wildlife species "...may become a threatened or an endangered species because of a combination of biological characteristics and identified threats." The main reasons for the Committee on the Status of Endangered Wildlife in Canada's (COSEWIC's) designation of Atlantic Cod (Arctic Lakes population) as Special Concern as outlined in the COSEWIC assessment and status report are briefly summarized as follows¹:

Distribution / Population Identification: The Arctic Lakes population consists of three, small landlocked populations of Atlantic Cod on southern Baffin Island, in three isolated lakes (Ogac, Qasigialiminia, and Turiujarusiq Lakes) which are largely separated from the coastal environment. The populations in each of the lakes have high levels of genetic isolation from marine stocks and from each other.

¹ Note: this summary does not contain information on general species biology.

Population size and trend: There is limited information as no assessments are done on a consistent basis. The only estimates are for Ogac Lake in which a mark-recapture study was conducted between 1957-1962 and a recent estimate estimated the number of individuals at 500 (>60 cm) and 10,000 (>25cm) in 2003. The two studies did not indicate a change in abundance (e.g. decline) over a period of over 40 years. Additionally, after being requested by the Governor in Council in April 2006 to review the assessment, COSEWIC emphasized that Special Concern designations are not necessarily based on whether the population is declining at a certain rate or to a certain level. The Special Concern designation is based on concern that a variety of biological characteristics and threats may make the population susceptible to becoming threatened or endangered.

Harvest: No specific harvest data is noted, however the report indicates that increased angling pressure has been identified as a concern by locals and studies conducted since the 1960s have indicated that cod are easy to capture.

Limiting factors and threats: The major identified threat for Ogac Lake is fishing pressure and locals have identified it as a concern. Other lakes are not believed to be under pressure. In addition, the genetic differentiation among the three lakes is quite large, and exchange with the coastal environment is rare. Therefore the populations are likely very susceptible to disturbance and unlikely to be rescued from neighbouring locations.

5. THE INCLUSION OF INUIT QAUJIMAJATUQANGIT IN CONSIDERING THE PROPOSED LISTING OF ATLANTIC COD AS A SPECIES OF SPECIAL CONCERN

In April 2006, the Governor in Council referred the Atlantic cod assessment back to COSEWIC for two reasons, one of which was the lack of inclusion of adequate Aboriginal Traditional Knowledge. 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 in developing and implementing recovery measures*. In January 2011, the NWMB wrote to the Minister and requested clarification on how updates to the COSEWIC assessment and status report in 2010² had addressed this issue. The NWMB also indicated in the letter that at its Regular Meetings 64 and 65, local HTO members from Pangnirtung and Iqaluit indicated that there were additional landlocked populations of Atlantic Cod on Baffin Island. Because of this information gap, the NWMB recommended that the listing process not proceed until DFO works with local communities to obtain more information on the existence of additional landlocked populations on Baffin Island. DFO conducted community and HTO consultations on the proposed listings in March 2011.

² The first COSEWIC assessment and status report for Atlantic Cod was in 2003.

6. REASONS FOR THE NWMB DECISION

The specific reasons for the Board's decisions are as follows:

1. With the minimal population size and trend information for Atlantic cod (Arctic Lakes population) being limited to only three lakes, the Board sees a decision to list this population as Special Concern at this time as being premature and unadvisable, especially without investigation of additional lakes in the Baffin Region for Atlantic cod. The Board also has ongoing concerns regarding the lack consideration of traditional knowledge considered in the assessment of the population as Special Concern.
2. The special case of cannibalistic Atlantic Cod in Ogac Lake and the distinct ecosystem there must be considered. The concern over fishing pressure in Ogac Lake given its relative accessibility, the interest in this lake from fishers, and the noted ease of capture of the fish in the lake warrants additional investigation into fishing pressure at this location.

7. CONCLUSION

Taking all of the stated information and reasons into account, the NWMB declines to approve listing the Atlantic Cod (Arctic Lakes population) as Special Concern and recommends additional research into population distribution in Baffin Island lakes, as well as reporting on fishing pressure at Ogac Lake. The NWMB forwards these decisions and recommendations to you, Mr. Minister, pursuant to the Nunavut Land Claims Agreement S. 5.3.17 and subsection 3.14 of the Memorandum.

Should you have any questions or concerns with respect to this decision or the reasons provided by the NWMB, please do not hesitate to contact the Board.

Yours sincerely,



Manasie Audlakiak
Acting Chairperson of the
Nunavut Wildlife Management Board

cc. Hon. Keith Ashfield, Minister of Fisheries and Oceans, Government of Canada;
Virginia Poter, Director General, Environment Canada, Canadian Wildlife Service;
Eric Kan, Eastern Arctic Area-Director, Fisheries and Oceans Canada
Larry Dow, A/Eastern Arctic Area-Director, Fisheries and Oceans Canada

Appendix A: Summary of party positions in the NWMB's written hearing on the proposed listing of Atlantic cod (Arctic Lakes population) as a species of Special Concern under the federal *Species at Risk Act*

1. Party Positions

Environment Canada

The Minister of Environment, in consultation with the Minister of Fisheries and Oceans, is considering listing Atlantic Cod (Arctic Lakes population) as a species of Special Concern under the federal *Species at Risk Act* (SARA).

Hunters and Trappers Organizations (HTO):

No written submissions were received through the NWMB's written hearing. The HTOs positions and reasons for positions obtained from DFO's consultations can be found in Table 1. In 2004, HTOs and community groups in Qikiqtarjuaq, Pangnirtung and Iqaluit also did not support the listing.

Government of Nunavut Department of Environment, Nunavut Tunngavik Incorporated (NTI), Qikiqtaaluk Wildlife Board (QWB), and public responses:

No written submissions were received through the NWMB's written hearing.

2. Results of DFO Consultations

Table 1: Results of consultations by Fisheries and Oceans Canada in March 2011

Community/Organization	Position	Reasons for position
Amaruq HTO (Iqaluit)	No position	Inuit rarely fish the lakes; populations have little direct importance to them; do not want populations to disappear.
Pangnirtung HTO	Not in support	Inuit rarely harvest these fish; do not see evidence of declines; believe there are many more lakes with fish in them; not necessary to protect cod in these lakes while other lakes would not be protected.
Government of Nunavut- Department of Environment	Not in support	Re-assessment did not include Aboriginal Traditional Knowledge; little new scientific information; only change being the separation of lake and marine populations in different designated units; social and economic impacts of harvest restrictions unknown; however did support development of management plan and research; questioned why cod from these lakes are considered for listing but no other similar lakes which are believed to contain cod.
World Wildlife Fund-Canada	In support	Management plan would ensure that the populations are managed sustainably; would provide an opportunity to study natural processes; populations have a distinct genetic structure which may be important to species and system adaptation prospects.



NOV 30 2012

Mr. Manasie Audlakiak
Acting Chairperson
Nunavut Wildlife Management Board
P.O. Box 1379
Iqaluit NU X0A 0H0

Dear Mr. Audlakiak:

Thank you for your correspondence of October 3, 2012, in which you present the Nunavut Wildlife Management Board's initial decision on the proposed listing of the Arctic Lakes population of Atlantic cod as a species of special concern under the *Species at Risk Act* (SARA). I note that the Board does not support adding this population of Atlantic cod species to Schedule 1 to the Act.

Further to consultation with the Acting Minister of Fisheries and Oceans, I accept your position and will recommend to the Governor in Council that the Arctic Lakes population of Atlantic cod not be added to Schedule 1 to SARA on the basis of the Nunavut Wildlife Management Board's recommendation.

I look forward to continued collaboration and consultation with the Board. Please accept my best wishes.

Sincerely,

The Honourable Peter Kent, P.C., M.P.

c.c.: Ms. Rebecca Jeppesen, Director of Wildlife Management, Nunavut
Wildlife Management Board



Ottawa, Canada K1A 0H3