



DEC 06 2010

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

Dear Mr. Nakoolak:

Thank you for your letter of October 18, addressed to my predecessor, in which you present the Nunavut Wildlife Management Board's initial decision on the proposed listing of the Cumberland Sound population of beluga whale (*Delphinapterus leucas*) as threatened under the *Species at Risk Act* (SARA). I note that the Board does not support adding this population of beluga whale to Schedule 1 to the Act.

In your correspondence, you indicated that the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessment of the Cumberland Sound population of beluga whale as threatened is no longer warranted. You questioned whether the information upon which the report was based was the best available at that time. Although I have been given to understand that Fisheries and Oceans Canada has provided you with further analysis, please be assured that this information was not available at the time of the status report, and that the status report was based on the best available information at that time. This is therefore considered the best available information. I have been advised that the information shared by Fisheries and Oceans Canada with the Board would not support a change to the COSEWIC designation, and a decision to refer this species back to the Committee is not warranted.

One of the issues you raised concerns the possibility of there being more than one beluga whale population in the Cumberland Sound area. This possibility was known to COSEWIC and considered in its assessment. The status report considered the evidence of hunters that more than one population of this species

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spends its summers in Cumberland Sound. Nonetheless, the Committee concluded that the existing genetic, distributional and abundance data reinforce the historical view that the beluga whales of Cumberland Sound form a single, discrete population.

As well, you raised concerns around more recent population estimates, suggesting COSEWIC's criteria of fewer than 1 000 individuals no longer applies. However, I am advised that despite these more recent analyses, when the uncertainty associated with these analyses is considered, the Cumberland Sound population of beluga whale continues to be at risk of extinction. Specifically, if the projections are based on the lowest range of the confidence interval (CI), then the number of mature individuals for the dive data analysis would be 60 percent of 1 590, or 954. This same logic holds for the 2002 data, which you also referenced in your letter; the Bayesian model estimated the 2002 population size to number 2 018 (95 percent CI: 1 553 to 2 623). Again, making allowances for the confidence interval, the number of mature individuals that would be present if the lower estimate were correct would be 60 percent of 1 553, or 931 individuals ("Recovery Potential Assessment of Cumberland Sound, Ungava Bay, Eastern Hudson Bay and St. Lawrence Beluga Populations (*Delphinapterus leucas*)," Fisheries and Oceans Canada, *Canadian Science Advisory Secretariat Report 2005/036*). COSEWIC suggests the use of population estimates lower than the mean when uncertainty is involved (the Committee's Assessment Process and Criteria, approved by COSEWIC in April 2010, [www.cosewic.gc.ca/eng/sct0/assessment\\_process\\_e.cfm](http://www.cosewic.gc.ca/eng/sct0/assessment_process_e.cfm)).

Challenges to monitoring beluga whale populations include the expense of monitoring and the beluga's grouping behaviour. These are exacerbated by the wide confidence limits of the available data, such that beluga whale population fluctuations cannot reliably be detected in time to avert a serious decline.

The Nunavut Wildlife Management Board also cited evidence supporting the belief that the population trend is increasing for the Cumberland Sound population of beluga whale. However, it is clear that the threats to this population are not fully understood. The severe declines from historic overharvests have been mitigated by improved monitoring and the implementation of quotas. But despite estimates that indicate a slowly increasing trend, the current population of 2 018 (95 percent CI: 1 553 to 2 623) using the Bayesian model, 2002, is about 24 percent of the estimated historic size of 8 465. If nothing is done to improve the size of the population, it will continue to be at risk of sudden and sharp declines, instead of returning to its normal structure and functions.

On the issue of reproductive frequency, the three-year interval is an average based on the reproductive physiology of the female beluga whale which has been consistently measured in many beluga whale populations worldwide. It is quite probable that hunters see females with both a calf and a two-year old young (not one-year old). Furthermore, females cannot give birth every year since they have a gestation period which exceeds one year (approximately 14 to 15 months), and it is extremely difficult to assess that a calf next to an adult comprise a mother-calf pair.

I have considered your arguments as well as the COSEWIC status report and the advice of Fisheries and Oceans Canada officials. Given the level of uncertainty associated with all available data, I have a responsibility to ensure that reasonable measures to prevent the further reduction of this beluga whale population are not postponed for lack of full scientific certainty. Therefore, I have decided to reject the Nunavut Wildlife Management Board's initial decision and I am continuing to consider listing the Cumberland Sound population of beluga whale as threatened to Schedule 1 to the *Species at Risk Act*. I understand that the Board will consider my decision on a confidential basis and make its final decision at the Board's next quarterly meeting. I also understand that the Board will forward that decision within ten days of the conclusion of that meeting.

Whether or not a species is listed under SARA, COSEWIC must do a re-assessment every ten years or at any time it has reason to believe that a species' status has changed significantly. As such, should you have new data, either relating to overall trends or to the number of populations of this species in Cumberland Sound, which would warrant a change in the status of this population, a request can be made to the Committee to re-assess the Cumberland Sound population of beluga whales before 2014. If, at a future date, COSEWIC finds this population of beluga whales to be not at risk, this species population can be removed from Schedule 1 to the Act.

I appreciate that there continues to be challenges to meeting time lines under 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*. As both the Nunavut Land Claims Agreement and SARA involve tight time lines and require that decisions be made in an efficient and timely manner, the implementation of the harmonization Memorandum of Understanding continues to be challenging to all parties. My officials would be interested in meeting with you and discussing these challenges.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Baird". The signature is written in a cursive, slightly slanted style.

John Baird, P.C., M.P.

c.c.: The Honourable Gail Shea, P.C., M.P.







