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Tammaqtailinahuarnirit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimagatuqangit and scientific knowledge

Page | 60

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David Shubert

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Tammaqtailinahuarnirrit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

March 31st 2016

The Honourable Hunter Tootoo
Minister of Fisheries, Oceans and the Canadian Coast Guard
Government of Canada

Dear Minister Tootoo:

Re: Fisheries and Oceans Canada's Proposal for Decision on the proposed draft Action Plan for the Blue Whale, Northwest Atlantic population, in Canada

NWMB DECISION

At the Nunavut Wildlife Management Board's (NWMB or Board) March Regular Meeting (RM 001-2016) on March 15th, 2016, Fisheries and Oceans Canada presented a *Proposal for Decision* regarding the approval of the proposed draft "Action Plan for the Blue Whale (*Balaenoptera musculus*), Northwest Atlantic population, in Canada" (proposed draft Action Plan) under the federal *Species at Risk Act*. The NWMB considered this request at its In-Camera Meeting (IC 003-2016) on March 16th, 2016, and passed the following resolution:

RESOLVED that the NWMB write to Fisheries and Oceans Canada requesting that (1) consultations on the draft "Action Plan for Blue Whale, Northwest Atlantic Population, in Canada" (Action Plan) be conducted in communities adjacent to the Blue Whale's range in Nunavut; and (2) a Proposal for Decision be forwarded to the NMWB following the Action Plan's Species at Risk Act 60-day public consultation period. The NWMB will then exercise its discretion under Section 5.2.34(d)(i) of the Nunavut Land Claims Agreement to make a decision on the approval of the Action Plan.

RATIONALE FOR THE NWMB DECISION

It is the NWMB's understanding that since the blue whale is considered a rare visitor to Nunavut waters and is not harvested by Inuit, Fisheries and Oceans Canada has not conducted public consultations in Nunavut on the proposed draft Action Plan. Although this may be the case, it appears that little is known about the distribution of blue whale, Northwest Atlantic population, especially in northern Canadian waters. The Committee on the Status of Endangered Wildlife in Canada's 2002 "*Assessment and Update Status Report on the Blue Whale, Balaenoptera musculus, in Canada*" states that the Northwest Atlantic blue whale has been observed in Hudson Strait, and that some research suggests that blue whales found in eastern Canadian waters in the spring may migrate to Davis Strait.

To address this and other research gaps, the first set of recovery measures in the proposed draft Action Plan focuses on estimating the blue whale population size and its use of Canadian waters. This research may shed more light on the number of blue whales that frequent waters adjacent to Nunavut. In addition, the NWMB recognizes that with climate change, more species are likely to expand their ranges into Nunavut. Consequently, a species whose current range or habitat is near Nunavut or occasionally within the Nunavut Settlement Area, may move further into the territory under the right conditions. Therefore, although the current proposed draft Action Plan and its recovery measures do not directly focus on areas adjacent to Nunavut, with more knowledge on the distribution of blue whales, it is not unreasonable to suggest that this may change in the future.

Based on the above rationale, the NWMB feels that it is important that both government and the NWMB follow a procedurally fair decision-making process on the approval of the proposed Action Plan, which should include, at a minimum, written consultations by government. Considering what is currently known about the blue whale's distribution, the NWMB recommends that Fisheries and Oceans Canada circulate the proposed draft Action Plan to the Qikiqtaaluk Wildlife Board, Nunavut Hunters and Trappers Organizations adjacent to Davis Strait and Hudson Strait (Cape Dorset, Kimmirut, Iqaluit, Pangnirtung and Qikiqtarjuaq) and the Nunavut fishing industry for their review and comments. Consultations with Nunavut Inuit may also result in additional information on the species' distribution and range in the north Atlantic.

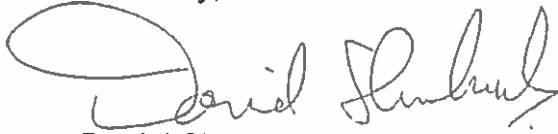
Under Section 5.2.34(d)(i) of the *Nunavut Land Claims Agreement*, the NWMB shall, in its discretion, approve plans for the management, classification, protection, restocking or propagation, cultivation or husbandry of particular wildlife, including endangered species. Unlike the listing of species under the *Species at Risk Act*, agreed upon procedures detailing the approval of management plans, recovery strategies and action plans (collectively referred to as recovery documents) are not addressed under the 2008 "A 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 under the Species at Risk Act" (Memorandum of Understanding). The NWMB is currently working with the Parties to the Memorandum of Understanding (Fisheries and Oceans Canada, Environment and Climate Change Canada and Parks Canada Agency) and other co-management partners to revise the Memorandum of Understanding. Some of these revisions are intended to address the fair and efficient process regarding the approval of recovery documents under the *Species at Risk Act*, which will fully comply with the terms of the *Nunavut Land Claims Agreement*.

However, in the NWMB's opinion, Section 5.2.34(d)(i) of the *Nunavut Land Claims Agreement* refers to the approval of final proposed recovery documents under the federal *Species at Risk Act*. The proposed draft Action Plan submitted to the NWMB in March 2016 is still a draft document that has not yet gone through the 60-day public consultation period and may therefore still be modified. The NWMB's approval of a plan that may still

undergo changes is not consistent with the *Nunavut Land Claims Agreement*. Therefore, the NWMB is requesting that Fisheries and Oceans Canada submit a *Proposal for Decision* to the NWMB regarding the approval of the Action Plan following the 60-day public consultation period. Considering the approval of recovery documents under the federal *Species at Risk Act* following the 60-day public consultation period is a relatively new procedure that the NWMB has been exercising over the last year. This approval procedure will be proposed by the NWMB and discussed as an approval procedure under a new or updated Memorandum of Understanding.

If you or your officials have any questions or concerns with the contents on this letter, please do not hesitate to contact the NWMB.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Shewchuk', with a large, stylized initial 'D'.

Daniel Shewchuk
A/Chairperson of the
Nunavut Wildlife Management Board

c.c. Sam Stephenson, Species at Risk Biologist, Fisheries and Oceans Canada; and
Raymond Ratynski, Regional Manager, Species at Risk Program, Fisheries and
Oceans Canada.



JUL 19 2016

Mr. Daniel Shewchuk
Acting Chairperson
Nunavut Wildlife Management Board
c/o Taqialuq Sataa
< tsataa@nwmb.com >

Dear Mr. Shewchuk:

Thank you for your letter of March 31, 2016, addressed to my predecessor, the Honourable Hunter Tootoo, in which you ask for community and industry consultation on the proposed Action Plan for the Blue Whale, and for that final Action Plan to be forwarded to the Nunavut Wildlife Management Board (NWMB) for approval once the 60-day public consultation period has been completed. I apologize for the delay in responding. I understand that Mr. Tootoo met with you on May 17, 2016.

Your views on the Blue Whale Action Plan are important to me and to Fisheries and Oceans Canada (DFO). I acknowledge your concerns about the consultations for this Action Plan. Please be assured that if changes are made to the Action Plan following its consultation period, the NWMB will be informed about them and asked to approve the revised plan. I have a mandate to take a science-based approach to ecosystems management, and climate change is a critical issue at the forefront of the Government's agenda, so I acknowledge your concerns about climate change and its potential to affect this species.

Consultations were not conducted in the Nunavut Settlement Area (NSA) communities because there have been no recent, confirmed records of the Blue Whale in NSA waters. (A reported observation from Hudson Strait of this species is over 100 years old.) Although the Blue Whale enters Davis Strait, available evidence shows that it travels in an easterly direction—in the direction of Greenland—as it moves toward Iceland. As you may be aware, when DFO has consulted communities in the past about species that do not regularly appear near community shores or that are not harvested, DFO has received no comments.

We acknowledge that there are gaps in the primary research regarding population size and species distribution. In an effort to address these gaps, DFO will be conducting surveys of the Blue Whale off the east coasts of Newfoundland and Nova Scotia, and in the Gulf of St. Lawrence. The major threats to the Blue Whale (e.g., anthropogenic noise, food availability, ship collisions, and disturbance) are in southern Canada where the species is concentrated. Studying the species in these areas, to confirm areas of critical habitat and to determine means of mitigation, is therefore warranted. Recovery Strategies and Actions Plans are updated regularly and if it becomes evident that the Blue Whale has expanded its range, research in these new areas will likely be conducted. In the event that the scope of research on the Blue Whale increases or changes, consultations in Nunavut may become necessary and appropriate.

I am pleased to hear that officials from DFO and other federal departments will be meeting with NWMB representatives to identify how the management of undertakings, such as Recovery Strategies, Management Plans, and Action Plans, can be improved. These discussions may result in updates to the 2008 Memorandum of Understanding between DFO, Environment and Climate Change Canada, Parks Canada, and NWMB, "A 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*." I will follow these discussions with interest.

With all of the above in mind—the rare appearance, currently and historically, of the Blue Whale in the NSA; our commitment to science-based approaches to ecosystems and to climate change issues; and the ongoing discussions between DFO and the Board to resolve issues surrounding rare species in the NSA—I respectfully request that the NWMB reconsider the proposed Action Plan for the Blue Whale as soon as possible.

Thank you for writing. I look forward to an opportunity to meet with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. LeBlanc', with a stylized, cursive script.

Dominic LeBlanc, P.C., M.P.
Minister of Fisheries, Oceans, and the Canadian Coast Guard



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Conserving wildlife through the application of Inuit Qaujimaqatugangit and scientific knowledge

March 31st 2016

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Minister of Fisheries, Oceans and the Canadian Coast Guard
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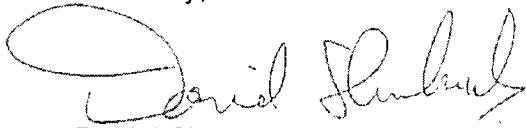
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Sincerely,

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Daniel Shewchuk
A/Chairperson of the
Nunavut Wildlife Management Board

c.c. Sam Stephenson, Species at Risk Biologist, Fisheries and Oceans Canada; and
Raymond Ratynski, Regional Manager, Species at Risk Program, Fisheries and
Oceans Canada.

XNCR, Min

From: Taqialoo Sataa <tsataa@nwmb.com>
Sent: March-31-16 5:13 PM
To: XNCR, Min
Cc: Stephenson, Sam; Ratynski, Ray
Subject: NWMB decision regarding Fisheries and Oceans Canada's proposed draft Action Plan for Blue Whale
Attachments: 160331_NWMB decision regarding proposed draft Action Plan for Blue Whale....pdf;
160331_NWMB decision regarding proposed draft Action Plan for Blue Whale....pdf

Good afternoon,

Please find attached from the Nunavut Wildlife Management Board, English and Inuktitut letters titled "Fisheries and Oceans Canada's Proposal for Decision on the proposed draft Action Plan for the Blue Whale, Northwest Atlantic population, in Canada", **please confirm receipt**, thanks.

Taqialuq Sataa, Administration/Finance Assistant

Nunavut Wildlife Management Board

3rd Floor Allavik Building

1106 Ikaluktuutiak Road

P.O. Box 1379

Iqaluit, NU X0A 0H0

Phone: (867) 975-7300

Fax: (888) 421-9832

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s'cMs5: (867) 975-7300

hv5g4]fD5: (888) 421-9832