

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.

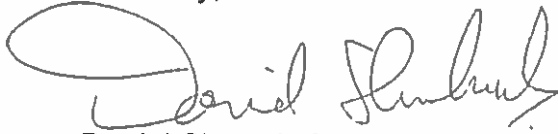
Under Section 5.2.34(d)(i) of the *Nunavut Land Claims Agreement*, the NWMB shall, in its discretion, approve plans for the management, classification, protection, restocking or propagation, cultivation or husbandry of particular wildlife, including endangered species. Unlike the listing of species under 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". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

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.