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January 18, 2022

Honourable David Akeeagok Minister of Environment Government of Nunavut

Re: Nunavut Wildlife Management Board's Decision Regarding the Total Allowable Harvest for Muskoxen in the MX-10 Management Unit

Dear Minister Akeeagok:

Background

At the Nunavut Wildlife Management Board's (NWMB or Board) September 8, 2021, Regular Meeting (RM004-2021) in Iqaluit, Nunavut, the Government of Nunavut Department of Environment submitted an application to the Board to increase the annual total allowable harvest (TAH) for muskox in the MX-10 management unit from 190 to 240. The MX-10 management unit was created in 2013 when the NWMB and the Minister approved the proposal to remove boundaries separating the Northern Kivalliq management unit (previously called MX-17) and the Eastern Kitikmeot muskox management units. The resulting MX-10 management unit covers the area north of Chesterfield Inlet and Baker Lake in the Kivalliq region, extending to Gjoa Haven and Kugaaruk in the Eastern Kitikmeot region and the communities of Igloolik and Sanirajak in the Qikiqtaaluk region. Coral Harbour, Rankin Inlet, Whale Cove, and Arviat are other communities in the Kivalliq Region with access to MX-10 muskoxen.

The Department of Environment submitted an application to increase the TAH from 190 to 240 muskoxen was based on a new abundance estimate from an aerial survey conducted in July 2017 in the southern portion of the MX-10 management unit. Results from the survey provided by the Department of Environment suggest an abundance estimate of 3,239 adults and yearlings, indicating an increase compared to an abundance estimate of 1,522 in 1999. At its September Regular Meeting (RM003-2021), the NWMB considered oral and written submissions from co-management partners on the application, a request from Igloolik and Sanirajak in the Qikiqtaaluk region for opportunities to harvest muskoxen from MX-10, as well as harvest data from the communities in the Kivalliq and Kitikmeot currently holding allocations.

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During the Board's In-Camera meeting on September 9, 2021 (IC003-2021), the Board considered the Government of Nunavut's application and input from co-management partners. The Board determined—based on the evidence before it—that the overall TAH for MX-10 could be increased to 250 muskoxen. The Board also determined that it needed more information from Regional Wildlife Organizations (RWOs) before setting regional TAH for the regions that harvest within MX-10.

On September 21, 2021, the NWMB wrote to the RWOs seeking additional submissions on allocating an overall TAH of 250 muskoxen. The NWMB provided reasons for its determination that the overall TAH could increase to 250 muskoxen in a letter dated September 21, 2021 (Appendix 1). The Qikiqtaaluk Wildlife Board (QWB) and the Kitikmeot Regional Wildlife Board (KRWB) provided submissions by the October 21, 2021, deadline. The QWB provided an interpretation of s. 5.6.17(b) of the Nunavut Agreement that there can only be one regional TAH for muskox in the MX-10 management unit, and asserted that establishing more than one regional TAH would infringe on RWO authority to establish regional allocations. The KRWB proposed a sharing arrangement for the 60 additional tags available after the TAH was increased. No submission was received from the Kivalliq Wildlife Board.

NWMB Decisions

During its In-Camera Meeting (IC004-2021) on December 10, 2021, the Board considered the submissions provided by QWB and KRWB, and made the following decision:

RESOLVED that, pursuant to Sections 5.3.3 (a), 5.6.16, and 5.6.17(b) of the Nunavut Agreement, the Nunavut Wildlife Management Board increase the overall total allowable harvest for muskoxen in the MX-10 management unit from 190 to 250 muskoxen and modify the regional TAH:

- i. A Kitikmeot regional TAH of 140 muskoxen (56 percent) in MX-10;
- ii. A Kivalliq regional TAH of 90 muskoxen (36 percent) in MX-10; and
- iii. A Qikiqtaaluk regional TAH of 20 muskoxen (8 percent) in MX-10.

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Reasons for NWMB Decision

Decision to increase the overall TAH from 190 to 250

Results from aerial surveys conducted by the Government of Nunavut in July 2017 indicate a stable-to-increasing muskox population, at least in the southern portion of the MX-10 management unit. According to the Government of Nunavut's survey report, the estimated abundance of MX-10 muskox increased significantly in the last two decades, from an estimated 1,522 in 1999 to 3,239 in 2017. The survey report also indicates an increase in the proportion of calves, from 12.5% in 1999, to 13.2% in 2012, and to 17% in 2017, suggesting a growing population. The 2017 survey reports a 41% expansion in the range of muskox in the southern portion of the management unit within the last decade. Local harvesters have also confirmed the increase and eastward expansion of muskox in the MX-10 management unit. Relying on this evidence, the Board determined that an increase in the overall annual Total Allowable Harvest from 190 to 250 muskoxen would be unlikely to have a negative conservation impact on the population.

The neighboring muskox management units MX-08 and MX-13 also show stable to increasing population trends. The muskox population in MX-08 is estimated to have increased from 1,058 muskoxen in 2006 to 3,649 in 2017, while the estimated population of MX-13 muskoxen remained stable with 4,434 in 2016, down slightly from 4,506 in 2012. Healthy populations in neighbouring management units can be a source populations in the future, reducing risk from an increased harvest in MX-10.

In reaching its decision, the Board considered past harvest records. These records indicate harvest rates below the TAH limit over the past five years by the seven communities that typically harvest from MX-10. The Board determined that an increase in the overall MX-10 TAH of 60 muskoxen would be unlikely to negatively impact the MX-10 muskox population significantly. Instead, an increase could provide additional harvesting opportunities for communities in the Kivalliq, Kitikmeot and Qikiqtaaluk Regions to harvest from the management unit.

The Board also considered a written submission from the Qikiqtaaluk Wildlife Board and letters provided by Chesterfield Inlet, Coral Harbour, Gjoa Haven, Igloolik, Sanirajak, Naujaat and Rankin Inlet Hunters and Trappers Organizations supporting an increase to the TAH following consultations in August 2021.

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Decision to modify the regional TAH, allocating 140 muskoxen (56 percent) to the Kitikmeot region, 90 muskoxen (36 percent) to the Kivalliq region, and 20 muskoxen (8 percent) to the Qikiqtaaluk region.

The NWMB received two written submissions, from QWB and KRWB, following its September 21, 2021, letter to RWOs.

The KRWB reviewed the MX-10 harvest data for Gjoa Haven and Kugaaruk, noting both communities had fully used their allocations in recent years, and suggested harvest data from before 2019 may be inaccurate due to limited community capacity to report harvests. The KRWB proposed a sharing arrangement for the 60 additional tags available after the TAH was increased. On the basis of Gjoa Haven and Kugaaruk's harvesting, the KRWB requested 40 tags of the increase be allocated to those communities (20 for each community), and 20 tags for the other regions.

The QWB submitted an interpretation of the *Nunavut Agreement* that there should be one regional TAH for the MX-10 management unit, and the RWOs, working together, would set and change allocations among the HTOs in the regions. The QWB argued the NWMB does not have the authority to set a TAH for the regions, and that only RWOs have the power and function to allocate a regional BNL (or, in this case, a TAH) among Inuit. The Board considered QWB's argument but was not persuaded. The Board relied on an interpretation from its legal counsel of the *Nunavut Agreement*. Article 5 defines Region as Baffin [Qikiqtaaluk] Region, Keewatin [Kivalliq] Region, or Kitikmeot Region. Other references to "region" in the *Nunavut Agreement* include *Regional* Wildlife Organization and *Regional* Inuit Organization. There does not appear to be support in the text of Article 5 for a regional TAH to be set according to the boundaries of a management unit. The Board determined a regional total allowable harvest referred to in s. 5.6.17(b) of the *Nunavut Agreement*, for "a species ordinarily harvested by members of more than one HTO", applied to the defined regions of Nunavut.

No submission was received from the Kivalliq Wildlife Board.

Based on these submissions, and harvest data provided by the Department of Environment, the Board decided to establish a TAH of 140 muskoxen (56 percent) for the Kitikmeot region, 90 muskoxen (36 percent) for the Kivalliq Region and 20 muskoxen (8 percent) for

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the Qikiqtaaluk Region.

The NWMB looks forward to your response in accordance with the decision-making process set out in Part 3, Article 5, of the Nunavut Agreement. Should you require clarification of any part of this decision letter, please contact NWMB staff.

Sincerely,

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Daniel Shewchuk Chairperson Nunavut Wildlife Management Board

c.c. Drikus Gissing, Director of Wildlife Management, Government of Nunavut.

Appendix 1: September 21, 2021 NWMB Letter to the Government of Nunavut – Department of Environment

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Mr. Daniel Shewchuk Chairperson Nunavut Wildlife Management Board P.O Box 1379 Iqaluit, NU X0A 0H0

February 17, 2022

Translation to Follow

Dear Mr. Shewchuk:

Re: Nunavut Wildlife Management Board's Decision Regarding the Total Allowable Harvest for Muskoxen in the MX-10 Management Unit

Thank you for your decision sent on January 18, 2022 concerning the Total Allowable Harvest (TAH) for muskoxen in the MX-10 management unit.

To reiterate the decision of the NWMB:

 RESOLVED that, pursuant to Sections 5.3.3 (a), 5.6.16, and 5.6.17(b) of the Nunavut Agreement, the Nunavut Wildlife Management Board increase the overall total allowable harvest for muskoxen in the MX-10 management unit from 190 to 250 muskoxen and modify the regional TAH:

i. A Kitikmeot regional TAH of 140 muskoxen (56 percent) in MX-10;

ii. A Kivalliq regional TAH of 90 muskoxen (36 percent) in MX-10; and

iii. A Qikiqtaaluk regional TAH of 20 muskoxen (8 percent) in MX-10.

As per section 5.3.9(a) of the Nunavut Agreement, I hereby accept your decision to increase the TAH in the MX-10 management unit to 250 muskoxen, with a regional TAH of 140 for the Kitikmeot region, 90 for the Kivalliq region, and 20 for the Qikiqtaaluk region.

The decision will be implemented forthwith. This decision will remain in place until I receive a new NWMB decision.

I am confidence that we will continue to work collaboratively in the continued implementation of this management decision and the monitoring of this muskox management unit. This will ensure that the management objective is maintained. I appreciate the efforts that have been put forth in its consideration.

Sincerely,

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Hon. David Akeeagok, Minister of Environment

Cc. Jimmy Noble Jr. - Deputy Minister, Department of Environment, Government of Nunavut (GN)