

NUNAVUT WILDLIFE MANAGEMENT BOARD

MINUTES: MEETING No. 40

KANGIQSLINIQ, 7 - 9 DECEMBER 2004

Members and Staff Participating:

Harry Flaherty	A/Chairperson
Nick Amautinuar	Member
Robert Moshenko	Member
Kevin McCormick	Member
Paul Pemik	Member
Joannie Ikkidluak	Member
Abraham Kaunak	Member
Jim Noble	Chief Operating Officer
Tom Demcheson	Director of Finance and Administration
Michael d'Eça	NWMB Legal Advisor
Evie Amagoalik	Interpreter
Mary Nashook	Interpreter

Not Available:

DIAND Appointee	Vacant
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Other Participants at Various Times:

Raymond Ningeocheak	2 nd Vice President, NTI
Bert Dean	Wildlife Advisor, NTI
Gabriel Nirlungayuk	Director of Wildlife, NTI
Glenn Williams	Wildlife Advisor, NTI
Paul Irngaut	Wildlife Communications Advisor, NTI
Annie Makpah	NTI
Joanne Rose	DFO, Land Claim & Gov't Liaison Officer
Keith Pelly	DFO, CMP
Sue Cousins	DFO, Winnipeg
Larry Dueck	DFO, Winnipeg
Daniel Shewchuk	Regional Wildlife Manager, DOE
Mitch Taylor	Manager of Wildlife Research, DOE
Michael Ferguson	Biologist, DOE
Phillip Kadlun	President, KHTA
Agnes Egotak	Executive Director, KHTA

Tuesday December 7, 2004

1. Call to Order and Opening Preliminaries

Kevin McCormick, Chairperson of the NWMB Executive Committee recommended that Harry Flaherty be appointed Acting Chairperson for the NWMB until such time as a new Chairperson is appointed. The Board decided (**Resolution 2004-082**) to appoint Harry Flaherty as Acting Chairperson for the NWMB until a new Chairperson is appointed.

The A/Chairperson called the 40th Regular Meeting of the NWMB to order at 9:00 a.m.

Swearing-in Ceremony

Abraham Kaunak, Department of Environment, Government of Nunavut appointee was officially sworn-in by the NWMB Legal Advisor.

2. Agenda for Regular Meeting No. 40

The Board decided (**Resolution 2004-083**) to accept the agenda for Meeting 40 with the following changes:

- That Item 13A is replaced by DFO request for recommendation on use of foreign vessels for SFA1 fishery.
- That Item 13B be deleted as BFC will not be making a presentation.

3. Minutes: Review and Approval

3.A The Board adopted (**Resolution 2004-084**) the minutes for Regular Meeting 37 conducted in Iqaluit 23-25 March 2004 as presented.

3.B The Board adopted (**Resolution 2004-085**) the minutes for Regular Meeting 38 conducted in Iqaluit 13 May 2004 as presented.

3.C The Board adopted (**Resolution 2004-086**) the minutes for Regular Meeting 39 conducted in Kugluktuk 4-7 October 2004 with minor changes.

3.D The Board adopted (**Resolution 2004-087**) the minutes for Conference Call No. 76 as presented.

3.E The Board adopted (**Resolution 2004-088**) the minutes for Conference Call No. 77 conducted April 19, 2004 as presented.

3.F The Board adopted (**Resolution 2004-089**) the minutes for Conference Call No. 78 conducted June 14, 2004 as presented.

3.G The Board adopted (**Resolution 2004-090**) the minutes for Conference Call No.79 conducted June 25, 2004 as presented.

3.H The Board adopted (**Resolution 2004-091**) the minutes for Conference Call No. 80 conducted August 16, 2004 with minor changes.

3.I The Board adopted (**Resolution 2004-092**) the minutes for Conference Call No. 81 conducted November 1, 2004 as presented.

4. Financial and Administrative Business

4.A Variance Report as at November 30, 2004

Members reviewed and accepted (**Resolution 2004-093**) the November 30, 2004 Variance Report as presented.

4.B Review/Approval of Interim Activity Report Submission to DIAND

Members were advised that the Interim Activity Report was in the binder for review.

5. Chairperson, Senior Staff, Advisors' and Members' Reports

5.A A/Chairperson's Report

Nil Report

5.B Chief Operating Officer's Report

The Chief Operating Officer referred members to his report in the binder.

5.C A/Wildlife Management Director's Report

The Chief Operating Officer Reviewed the A/Director of Wildlife's Report with the members.

5.D Finance and Administration Director's Report

The Director of Finance and Administration reviewed his briefing note with the members.

5.E Legal Advisor's Report

The Legal Advisor referred members to his report in the binder

5.F Members' Reports and Concerns

Robert Moshenko noted that he had attended the BQCMB Meeting in Winnipeg November 26-28, 2004. The Board meets twice per year; the next meeting is scheduled for Rankin Inlet in May 2005. A position paper was circulated on protection measures for the herds, the NWMB has been asked for comments. The Board also approved a Five Year Management Plan subject to a few changes. Paul Pemik suggested that the BQCMB should study the migration routes near Arviat as routes are changing.

Nick Amautinuvar advised that he had recently attended the Kitikmeot Inuit Association AGM. Nick noted that the Board were asking why the Polar Bear MOUs were not approved and also the status of the recently conducted narwhal survey. Nick also informed the Board that he had attended the Bathurst Caribou Management Planning Meeting in Yellowknife. The Draft Bathurst Caribou Management Plan will be circulated for review in the near future.

Joannie Ikkidluak noted that the WPAC was meeting and that they would be discussing a policy for live capture of wildlife. He advised that he would provide a report later in the meeting.

6. Completion of Assignments and Implementation of Resolutions

The Chief Operating Officer referred members to the task list in the binder. Items not completed or ongoing were reviewed with the members. Considerable discussion was held with regards to the issue of an *Independent Review of the Polar Bear Program*. Discussion also centered on the West Hudson Bay beluga, communities are concerned about a possible COSEWIC listing of this stock.

7. Environment Canada (CWS): Issues and Decisions

7.A Ivory Gull: Status Report

CWS staff provided a Power Point presentation on the status of the Ivory Gull. Inuit Qaujimagatuqangit about Ivory Gull populations near Arctic Bay, Resolute Bay, and Grise Fiord was collected. Aerial surveys of known and new colonies were also completed. The Islands of Ellsmere, Devon, Seymore and North Baffin were re-surveyed three times during 2002, 2003 and 2004. Researchers revisited 33 known nesting locations and also discovered 15 new nesting locations during these surveys.

Inuit Qaujimagatuqangit suggests fewer Ivory Gulls than in previous years. Surveys indicate fewer active and smaller colonies and a possible 80 percent decline in breeding population since 1984. Threats to Ivory Gulls include:

- Disturbance while nesting (confirmed);
- High harvest in Greenland (confirmed);
- High contaminants level (not confirmed); and

- Changing ice conditions (not confirmed).

It was noted that a high percentage of banded Ivory Gulls migrate to West Greenland for the winter.

Future directions:

- Establish collaborative team with other circumpolar countries.
- Repeat surveys of breeding colonies annually.
- Initiate winter studies in Newfoundland.
- Initiate summer studies in the Arctic.
- Review global population estimates.
- Carry out circumpolar contaminants analysis.

7.B Status of Migratory Game Birds in the NSA

CWS staff noted that CWS staff also provided a brief report, dated December 2004, on the status of Migratory Game Birds in Nunavut. This report summarized the status of Ducks, Geese, Swans and other marine birds. Two species of birds, important in subsistence harvesting by Inuit in the NSA, were of most significant concern.

Snow Geese:

There was much discussion about the increasing population of snow geese and damage to habitat. Recent population estimates say there are 4 million breeding Lesser Snow Geese in Nunavut. A population management strategy might be to lower the population by increased harvesting of specific populations. Further research is required in the NSA.

King and Common Eider Ducks:

There was discussion about the decline in Eider Duck populations. More research is required to determine the populations of Eider in the NSA, the effects on Eiders of changing ice conditions, the extent of harvesting, eggging and down collection.

Parks Canada

A. Quttinirpaaq National Park: Draft Management Plan: Update

Parks Canada provided written information regarding their Draft Management Plan for the new Quttinirpaaq National Park. When this plan is completed, it will be sent to the board for approval in early 2005. In addition to approving the plan, the NWMB will be asked to make a decision about closing the sport fishery until NWMB determines whether the lakes in Quttinirpaaq National Park can sustain sport fishing. NWMB will make a written request to Parks Canada for more information.

8. Fisheries and Oceans (DFO): Issues and Decisions

8.A Bowhead Whale Science

DFO staff made a presentation on the recent Bowhead whale research. A 3-year aerial survey and radio tagging program now show an estimated Bowhead population of some 1700 or more. From satellite radio tracking information, it seems that the bowhead populations are intermingling. More information is required to determine if there is more than one stock. DFO will provide NWMB with another update in 2005 after further analysis of present research data. The aerial surveys, tagging program and genetic analysis will continue to determine how many distinct populations there are.

8.B Oceans Program

DFO staff gave an update on the Oceans Program for Nunavut. The Oceans Act of 1977, led to the formation of a working group, for each of the Kivalliq and Baffin Regions. A marine issue scan was completed in each region. A report was completed. In 2003 DFO concluded that it did not have enough resources to continue these two activities. It decided to shift its resources to the Western Arctic where there is more activity.

8.C Habitat – Major Projects – Nunavut

DFO staff provided an update on the major development projects where it is involved in environmental assessments. This work is being carried out on:

- Jericho Diamond Project
- Meadow Bank Gold Project
- Doris North Gold Project and
- Bathurst Inlet Port and Road Project.

DFO also continues to work closely with communities, NIRB and the Nunavut Water board on project assessments for Dew-line Site Cleanups and various municipal projects.

8.D Collection and Reporting of Marine Mammal Harvest Data

DFO staff explained that there were concerns regarding the collection of harvest data for marine mammals by communities. Some communities have made great improvements but some have not. Discussion centered on why hunters were reluctant to give information and why some HTOs were unable to co-ordinate the effort to collect this data due to administration capacity concerns. Another concern was that of payment for these services and for marine mammal samples for research. Another concern raised by the Board members was that sample package information is not being provided in Inuktitut. DFO staff explained that there is a need to collect data and samples to help determine marine mammal stocks and populations. Discussion centered on the need to communicate better and to explain more clearly why the data was required and how it could help the community. SARA

is making decisions and listing marine mammals as special concern. DFO needs this information to prove whether there is a conservation concern or not.

It was recommended that the NWMB send a letter to encourage communities to improve data collection and to co-operate with DFO because marine mammal data will be used to determine sustainable harvests. However, Board members said that DFO has to also work as a partner with the communities. NWMB needs to explain to DFO that HTOs are under-funded when it comes to assisting all its wildlife partner agencies. It was noted that some HTOs just don't have the capacity to do everything that's required of them. DFO implementation funding was mentioned.

8.E. Cumberland Sound Turbot – Separate Zone/Quota of 500 Tonnes

The Board discussed a request from DFO (originating from the Pangnirtung HTO) for establishing a Separate Zone and 500 tonne quota for Turbot in an area within Cumberland Sound. The Board was informed that this area in the Sound is similar to the northwest Greenland Fjords. Those deep fjords, because of their geography, do not allow groundfish to leave once they have entered. Such groundfish therefore constitute an isolated inshore stock.

There was also discussion about establishing a summer test fishery in an area directly adjacent to the Separate Zone, to see whether fish in the Separate Zone can be harvested from the adjacent area. The proposed exploratory fishery would therefore be used to seek evidence that fish tagged in the Separate Zone are able to move into the adjacent area.

DFO also said that Pangnirtung HTO was requesting a restricted area in Cumberland Sound to prevent larger fishing vessels (65 feet and over) from trawling inside Cumberland Sound and consequently disturbing the sea-bed.

The NWMB approved in principle a new 500 tonne allocation in a new zone in Cumberland Sound, and will issue a formal resolution in the near future - when more specific details have been worked out. The Board decided (**Resolution 2004-094**) to approve a "no trawler zone" commencing at the mouth of Cumberland Sound, as per the request from Pangnirtung Hunters and Trappers Association.

8.E.1 Request to Use Foreign Vessel in SFA1

DFO staff advised that two organizations, Jencor Fisheries and Cumberland Sound Fisheries have written to the Minister of DFO requesting permission to use foreign vessels to harvest their 2004 northern shrimp allocations as no Canadian vessels could be found. As this fishery occurs in Zone 1, the Minister requested advice of the NWMB. The Board decided (**Resolution 2004-095**) to recommend approval of this request to the Minister of DFO.

8.F. Walrus Sport Hunt Allocations 2005

The COO reviewed the briefing note provided on the requests for walrus sport hunts for the 2005 season. It was noted that there applications from five (5) HTOs in Nunavut as well as one (1) from Salluit in Nunavik. The Board decided (**Resolution 2004-096**) to approve hunts in the following communities with conditions:

- Igloolik HTA – Twenty-five hunts
- Cape Dorset HTA – Two hunts
- Hall Beach HTA – Fifteen hunts
- Mayukalik HTA – Three Hunts
- Nattivak HTA – Five Hunts

The decision on the Salluit request was deferred until the Makivik representative was available to join the Board.

Wednesday, 8 December 2004

The A/Chairperson reconvened the Meeting at 8:45 am.

9. Nunavut Wildlife (DSD) Issues and Decisions

The Board decided (**Resolution 2004-097**) to move to an in camera session to discuss the Polar Bear MOU process.

The Board closed the in camera session (**Resolution 2004-098**)

9.A Wildlife Act: Update

The NWMB Legal Advisor provided a brief overview of development of the Wildlife Regulations. It was noted that over 25 regulations and orders have been developed. The target for completion of the regulations moved from January 1, 2005 to July 9, 2005. The three issues of concern were reviewed with the Board:

- Sufficient justification for particular TAHs and NQLs
- NWMB's role in certification of traps
- Wildlife Act, subsection 255(3)

The Board decided (**Resolution 2004-99**) that with respect to the Nunavut Wildlife Regulations, the NWMB direct its representatives on the Working Group to remind the Working Group that, in order to make a decision regarding a proposed new or revised TAH for a stock or population in the NSA, the NWMB will require beforehand:

- (i) A supporting rationale in accordance with NLCA Section 5.3.3, including the information requested in the NWMB document entitled, *Summary of Nunavut Species Information* (attached to this Briefing Note); and

- (ii) A clear indication from DOE and the relevant HTO(s) and/or RWO(s) of their respective positions concerning the proposed new or revised TAH and further;
- (b) That In order to make a decision regarding a proposed new or revised NQL in the NSA, the NWMB will require beforehand:
- (i) A supporting rationale in accordance with NLCA Section 5.3.3; and
 - (ii) A clear indication from DOE and the relevant HTO(s) and/or RWO(s) of their respective positions concerning the proposed new or revised NQL.

Should insufficient information or evidence, or inconsistent or conflicting views or positions, be presented to the NWMB, the Board could require further information, consultation, etc., prior to making a decision.

The NWMB also indicated its intention to engage in negotiations with DOE concerning an appropriate role for the NWMB in the certification of traps under the *Wildlife Act*, since it is appropriate for the main instrument of wildlife management in the NSA to be involved in the certification process. However, the NWMB directed its COO to only agree to an arrangement that is consistent with the existing protocol associated with Board decision-making.

That protocol generally does not require the NWMB to conduct initial consultations, investigations, verifications, etc. Rather, the norm is that the position(s) of the parties, with supporting rationale(s), is/are presented to the Board, which then makes a decision. However, the NWMB does, on a case by case basis, initiate, participate in, or otherwise contribute to particular consultations or other efforts associated with its decision-making.

Finally, the NWMB directed its legal advisor to prepare a proposed letter of agreement concerning s. 255(3) of the Act, specifically reflecting the NWMB's position regarding the identification of critical habitat, and consistent with the Board's original 2003 submissions to the Minister and the Standing Committee regarding this matter.

9.B DOE -TAH Workshop in Iqaluit - October

The Board was provided a short report on the TAH Workshop held in Iqaluit, October 2-10, 2004. Prior to considering any species or population, the working group identified nine guiding principles and further, identified ninety-one species including twelve polar bear populations that needed to be reviewed. The group focused on what was required for the new Regulations and those species identified by the Working Group. A final draft report was planned for January 1, 2005 with further revisions by February 1, 2005. It was understood that full consultation would

have to be conducted before this information can be used for the Wildlife Regulations.

9.C Polar Bear MOU

This item was originally discussed in the in camera session. The Board decided **(Resolution 2004-100)** to write to the Minister of DOE Nunavut and inform him of the Board's final decision to approve the Polar Bear MOUs for all but the Davis Strait and M'Clintock Channel polar bear populations.

It was also decided (after notification that all parties had signed the Davis Strait Polar Bear MOU) to approve **(Resolution 2004-101)** the MOU for the Davis Strait Polar Bear Population with noted amendments.

It was further decided (after notification that all parties had signed the M'Clintock Channel Polar Bear MOU) to approve **(Resolution 2004-102)** the MOU for the M'Clintock Channel Polar Bear Population with noted amendments.

9.D Polar Bear Allocations 2005

Mitch Taylor reviewed the briefing note with the members, noting that the Board had originally approved issuance of 50% of the polar bear tags at the beginning of the polar bear season. The Board reviewed the document "*Polar Bear harvest summary for 2003/04 and quota recommendations for 2004/05 harvest year.*" Michael d'Eça advised that the Board already established (October meeting) TAHs for all polar bear populations except for Davis Strait and M'Clintock Channel, and therefore there was no need to approve these revised quotas.

9.E Interjurisdictional Caribou Management Boards

Mitch Taylor reviewed the briefing note with the members. Mitch noted that Nunavut has thirteen barren ground caribou and up to eight Peary caribou populations to manage. To have Management Boards for all the shared populations will cost too much for the Government of Nunavut and therefore a new management body may need to be considered for the future. No decision was made on this issue.

9.F South Baffin Caribou Management Plan

Michael Ferguson reviewed the briefing note with the members. Mike noted that a workshop is planned for February 2005 and the Department would appreciate NWMB participation. It was further suggested that a five-year review should be conducted on a regular basis. Mike also requested that the Board review the process outlined in the briefing note and suggest any changes or recommendations.

9.G High Arctic Peary Caribou

Michael Ferguson reviewed the briefing note provided to the NWMB members. It was noted that a strategy has to be worked out with the HTAs. Canadian Wildlife Service has also been working with the communities on this process. The COSEWIC Status Report is felt to be inaccurate as it ignored valuable 1961-77 population estimates. Michael reviewed the status of the various populations noting that many locations are data deficient. It was noted that the communities were consulted with in each step of development of the management plan. The Board requested that staff write a letter the Department of Environment (Nunavut) regarding the decision on the Peary Caribou Management Plan.

At 10:00 a.m The Board conducted a teleconference with members of the Grise Fiord HTA who wanted to voice their concerns over the Peary caribou being considered for a listing of “endangered” under the Species At Risk Act (SARA). It was noted that the HTA has worked with the government to manage this species. There are concerns with the management plan presented by the Department of the Environment. The HTA asked that the NWMB request more time for consultation before a decision is made on whether to list this species as “endangered”. The following points were noted:

- Insufficient time to discuss Draft Management Plan
- No translation of documents
- IQ being collected, not completed and is essential to incorporate
- Research is out of date
- Cannot agree with research method of capturing and collaring animals

The members thanked the Grise Fiord HTA members for their presentation.

10. NWMB Internal Items: Issues / Decisions

10.A Wildlife Research Priorities Workshops

The COO reviewed the briefing note with the members, it was noted that consultations had been conducted in all three regions. Summaries have been completed for all three regions and sent out for regional review. It was noted that priorities will be split between *Research and Management*. These lists have been sent out to assist Government departments with their applications for 2005/06 funding. Final approval of these priorities will have to be done via a conference call before the March meeting.

10.B. Total Allowable Harvest Summary Tables

Jim Noble reviewed the briefing note with the members. The Government departments (CWS, DFO and DOE Nunavut) were requested to fill out data sheets on each species which they have jurisdiction. CWS completed this project; DFO noted that they would not be able to complete all fish species due to the large numbers of fish stocks involved, DOE provided a document on recommendations

for TAHs for populations of terrestrial mammals of Nunavut. This format did not provide the same information as requested on the data sheets. Members noted that they would prefer a short summary table to show gaps in information rather than large narrative documents. The NTI delegates noted that they had drafted a position paper on TAHs and circulated it to the co-partners for review. NTI is concerned that Inuit will be faced with too many restrictions and that a NLCA Sec.5.3.3. test should be considered for each species. It was noted that the TAH process is very complicated and more time should be spent explaining this system before it is established.

10.C. Summary of Process for COSEWIC and SARA

The NWMB's Legal Advisor reviewed the "*Summary of the COSEWIC Assessment/Classification Process*" and "*Summary of SARA-NLCA Listings and Recovery Process in the NSA*" with the members. At an earlier meeting the members had requested a short summary to better understand this process. It was noted that this is a very complex process and will take time to fully understand.

10.D. COSEWIC Meetings and Appendix E5

The Conservation Biologist provided a short briefing note on COSEWIC's November meeting. Only one Nunavut species (narwhal) was discussed at this meeting. Discussion on the narwhal resulted in a designation of both the Baffin Bay and Foxe Basin populations as "Species of Special Concern." Bowhead whale was not discussed at this meeting as they were waiting for new survey information from DFO.

The NWMB's Legal Advisor reviewed the status of Appendix E5 to COSEWIC's Operations and Procedures Manual, noting that the NWMB had previously reviewed it and provided comments and that a letter now needs to be sent to COSEWIC presenting the NWMB position. It was agreed that a letter be sent off regarding Appendix E5.

10.E. Calgary Zoo – Request for Live Capture

Jim Noble reviewed the briefing note with members regarding a request from the Calgary Zoo for the live capture of muskox from the Resolute Bay area. It was noted that there was some question as to why Resolute Bay would be considered for a capture point, when there are many locations with Muskox which are closer to Calgary than Resolute. The Board questioned the status of the "Live Capture Policy", NTI noted that consultations are being conducted with HTOs, but not all have responded. To this point there seems to be general opposition to "live capture." The Board decided (**Resolution 2004-103**) to not approve the Calgary Zoo request for live capture of Muskox until the "Live Capture Policy" is finalized.

Thursday, December 9, 2004

The A/Chairman called the meeting to order at 9:00 am.

Polar Bear MOU continued (9.C)

The Board decided (**Resolution 2004-104**) to move to an in camera session. The Board decided (**Resolution 2004-105**) to close the in camera session

The NWMB decided (**Resolution 2004-106**) to approve a Total Allowable Harvest (TAH) of 46 polar bears per year for the Davis Strait population.

It was further decided (**Resolution 2004-107**) to approve a Total Allowable Harvest (TAH) of 3 polar bears per year for the M'Clintock Channel population.

11. NTI Wildlife Division

11.A Hunting Ammunition Ballistic Testing

Glenn Williams from the NTI Wildlife Division made a presentation to the members on the work being done to find better rifles and ammunition for hunting walrus and whales. The goal is to try and reduce the struck and lost rate of these marine mammals. Glenn provided an overview of testing that occurred in the Faroe Islands this past fall using whale heads for testing the ballistics/penetrating power of various types of bullets. It was noted that rifles were provided to some of the expert whale and walrus hunters to test this past summer and results are being recorded. Glenn noted that other hunting countries are also very interested in the results of these tests. It was noted that hunters can get rifles but have difficulties trying to get proper ammunition. NTI is looking into the possibility of assisting hunters to obtain the guns and ammunition through the Nunavut Hunter Support Program in the future.

11.B NAMCCO Seal and Walrus Harvesting Workshop

Glenn Williams provided a brief report on his attendance at the NAMMCO Seal and Walrus Harvesting Workshop in September. Discussion at this meeting centred around training for hunters, struck and lost problems, hunter safety, rifles and ammunition, technical innovations and full utilization of animals.

Glenn also noted that they will now start working on hunter training in Nunavut. It is hoped that training aids can be developed, and training will be delivered by experienced hunters in their home communities with the assistance of the co-management partners.

11.C RWO/HTO Review

Bert Dean, NTI Wildlife made a short presentation on the status of the RWO/HTO Review being conducted by NTI. It was noted that the consultant report was provided in the meeting binder and outlines four options for improving the management of the RWOs.

11.D Wildlife Policy Advisory Committee (WPAC)

Bert Dean advised that the WPAC had met in Edmonton to discuss the consultant's report and had decided to support the option of the Joint Secretariat. Consultations will still need to occur with the Regional Inuit Associations and the NTI Executive along with meetings to discuss this process with the RWOs and HTOs. The main objective is to provide centralized accounting and administration for these organizations and hopefully have this up and running by April 1, 2005.

12. Applications for Funding

12.A. NWRT and NWMB Funded Projects

Nil Report

12.B. Conservation Education Fund

Nil Report

13. Other Presentations

13.A Kivalliq Wildlife Board (KWB) Report

David Aksawnee, Chairman of KWB provided a brief update on the status of KWB. David noted that an inspection of KWB bookkeeping had been conducted by Tom Demcheson and Bert Dean earlier in the fall and it was decided to close the KWB office until such time as the bookkeeping could be updated and audited. Staff had been let go due to the status of the bookkeeping. It was hoped that the bookkeeping would be completed early in the new year and an annual general meeting could follow.

14. Executive Committee Report and Recommendations

The Executive Committee reported on their meeting the previous evening. The Committee noted that they had discussed the severance package for the departing Chairperson. The Board decided (**Resolution 2004-108**) to approve a one week pay for each year of service for the Chairperson.

Kevin McCormick gave a brief update on the office renovation project noting that a contract was issued to Full Circle Architecture to proceed with the renovation plans. Staff is just waiting for final approval of the blue prints by the building owners.

Kevin also noted that five candidates had been screened for the position of CEO for the Board and that interviews would be conducted in January.

A brief update was provided on the status of the Director of Wildlife file. The Board decided (**Resolution 2004-109**) to approve re-advertising this position for a second time.

15. Meetings, Workshops and Other Pertinent Events

15.A Past Events: Reports and Briefings

Nil report

15.B Upcoming Events: Review and Participation

Nil report

16. Date and Location of Next Meeting

The Board decided (**Resolution 2003-110**) to conduct its next (41st) Regular Meeting in Iqaluit the week of April 4, 2005

17. Adjournment

The Chairman thanked members, translators and NWMB staff for their work in preparation for and at the meeting. The 40th Meeting of the NWMB was adjourned.

Minutes Approved by: _____
Chairperson Date

RESOLUTIONS: MEETING No. 40

Resolution 2004-082: RESOLVED that the NWMB appoint Harry Flaherty as A/Chairperson for the NWMB until a new Chairperson is appointed.

Moved by: Kevin McCormick
Carried

Seconded by: Nick Amautinuvar
Date: December 7, 2004

Resolution 2004-083: RESOLVED that the NWMB accept the agenda for Meeting No. 40 with the following changes:

- That Item 13A is replaced by DFO request for recommendation on use of foreign vessels for SFA1 fishery.
- That Item 13B be deleted as BFC will not be making a presentation.

Moved by: Joannie Ikkidluak
Carried

Seconded by: Paul Pemik
Date: December 7, 2004

Resolution 2004-084: RESOLVED that the NWMB adopt the minutes of Regular Meeting No. 37 conducted in Iqaluit March 23-25, 2004 as presented.

Moved by: Joannie Ikkidluak
Carried

Seconded by: Robert Moshenko
Date: December 7, 2004

Resolution 2004-085: RESOLVED that the NWMB adopt the minutes of Regular Meeting No. 38 conducted in Iqaluit May 13, 2004 as presented.

Moved by: Kevin McCormick
Carried

Seconded by: Paul Pemik
Date: December 7, 2004

Resolution 2004-086: RESOLVED that the NWMB adopt the minutes of Regular Meeting No. 39 conducted in Kugluktuk October 4-7, 2004 with noted changes.

Moved by: Nick Amautinuvar
Carried

Seconded by: Abraham Kaunak
Date: December 7, 2004

Resolution 2004-087: RESOLVED that the NWMB adopt the minutes for Conference Call No. 76, conducted February 2, 2004 as presented.

Moved by: Paul Pemik
Carried

Seconded by: Robert Moshenko
Date: December 7, 2004

Resolution 2004-088: RESOLVED that the NWMB adopt the minutes for Conference Call No. 77, conducted April 19, 2004 as presented.

Moved by: Robert Moshenko Seconded by: Kevin McCormick
Carried Date: December 7, 2004

Resolution 2004-089: RESOLVED that the NWMB adopt the minutes for Conference Call No. 78, conducted June 14, 2004 as presented.

Moved by: Paul Pemik Seconded by: Kevin McCormick
Carried Date: December 7, 2004

Resolution 2004-090: RESOLVED that the NWMB adopt the minutes for Conference Call No. 79, conducted June 25, 2004 as presented.

Moved by: Kevin McCormick Seconded by: Nick Amautinuvar
Carried Date: December 7, 2004

Resolution 2004-091: RESOLVED that the NWMB adopt the minutes for Conference Call No.80, conducted August 16, 2004 with noted changes.

Moved by: Kevin McCormick Seconded by: Abraham Kaunak
Carried Date: December 7, 2004

Resolution 2004-092: RESOLVED that the NWMB adopt the minutes for Conference Call No.81, conducted November 1, 2004 as presented.

Moved by: Robert Moshenko Seconded by: Kevin McCormick
Carried Date: December 7, 2004

Resolution 2004-093: RESOLVED that the NWMB approve the Variance Report for November 30, 2004 as presented.

Moved by: Robert Moshenko Seconded by: Joannie Ikkidluak
Carried Date: December 7, 2004

Resolution 2004-094: RESOLVED that the NWMB approve a “no trawler zone” commencing at the mouth of Cumberland Sound as per attached map/request from Pangiirtung Hunters and Trappers Association.

Moved by: Abraham Kaunak Seconded by: Joannie Ikkidluak
Carried Date: December 7, 2004

Resolution 2004-095: RESOLVED that the NWMB approve sending a recommendation to the Minister of DFO in support of allowing Jencor and Cumberland Sound Fisheries to utilize foreign vessels for the new SFA1 shrimp fishery for the 2004 season only.

Moved by: Robert Moshenko Seconded by: Paul Pemik
Carried Date: December 7, 2004

Resolution 2004-096: RESOLVED that the NWMB approve the following walrus sport hunt quotas for the 2005 hunting season:

- Igloolik HTA – Twenty-five hunts
- Cape Dorset HTA – Two hunts
- Hall Beach HTA – Fifteen hunts
- Mayukalik HTA – Three Hunts
- Nattivak HTA – Five Hunts

Further that these hunts be subject to the following conditions:

- That the total walrus harvest in 2004 not exceed the average annual harvest by the community over the last five years.
- That the allocation of the right to sport-hunt each walrus be made by way of an assignment, executed in writing.
- That the numbers of walrus landed and the number struck and lost be reported at the time of the next application for a sport-hunting quota.
- That the hunts be conducted according to the hunt plan submitted.
- That no bows or cross bows be permitted and rifles used must be of 243 calibre or larger.

Moved by: Joannie Ikkidluak Seconded: by Nick Amautinuak
Carried Date: December 7, 2004

Resolution 2004-097: RESOLVED that the NWMB move to an in camera session.

Moved by: Kevin McCormick Seconded by: Joannie Ikkidluak
Carried Date: December 8, 2004

Resolution 2004-098: RESOLVED that the NWMB move out of in camera session.

Moved by: Joannie Ikkidluak Seconded by: Nick Amautinuak
Carried Date: December 8, 2004

Resolution 2004-099: RESOLVED that with respect to the Nunavut Wildlife Regulations, the NWMB direct its representatives on the Working Group to remind the Working Group that:

- (a) In order to make a decision regarding a proposed new or revised TAH for a stock or population in the NSA, the NWMB will require beforehand:
 - (i) A supporting rationale in accordance with NLCA Section 5.3.3, including the information requested in the NWMB document entitled, *Summary of Nunavut Species Information* (attached to this Briefing Note); and
 - (ii) A clear indication from DOE and the relevant HTO(s) and/or RWO(s) of their respective positions concerning the proposed new or revised TAH and further; and

- (b) In order to make a decision regarding a proposed new or revised NQL in the NSA, the NWMB will require beforehand:
- (i) A supporting rationale in accordance with NLCA Section 5.3.3; and
 - (ii) A clear indication from DOE and the relevant HTO(s) and/or RWO(s) of their respective positions concerning the proposed new or revised NQL.

Should insufficient information or evidence, or inconsistent or conflicting views or positions, be presented to the NWMB, the Board could require further information, consultation, etc., prior to making a decision.

Moved by: Kevin McCormick Seconded by: Nick Amautinar
Carried Date: December 8, 2004

Resolution 2004-100: RESOLVED that the NWMB, pursuant to subsection 5.2.34(d)(i) of the *Nunavut Land Claims Agreement* (NLCA), approve the 2004 Polar Bear Management Memoranda of Understanding (MOUs), insofar as they constitute management plans providing essential policy guidelines that help ensure the wise management of polar bears in the Nunavut Settlement Area, except for the *M'Clintock Channel Population* and the *Davis Strait Population* MOUs.¹ This approval is subject to:

1. The results of a planned reconsideration by the NWMB, the Department of Environment and Nunavut Tunngavik Inc. of the polar bear management system within Nunavut;
2. The NWMB's authority to exercise its discretion in establishing, modifying or removing levels of total allowable harvest and non-quota limitations on harvesting in the Nunavut Settlement Area; and
3. The following modifications to the MOUs:
 - (a) In subsection 1.12: "*For the purpose of this MOU, a Nunavut beneficiary shall be considered to include any person who has received an assignment of rights to hunt polar bears, and any person who has been designated as an Inuk as per the NLCA. For greater certainty, a person assigned a share of the polar bear TAH under NLCA Section 5.7.34(b) is not to be considered an Inuk under the NLCA, unless the person is an Inuk under the NLCA.*"
 - (b) In subsection 3.2: "*Within one year of the signing of the MOU, the HTO will develop and record its rules for harvesting polar bears. Such HTO*"

¹ At the time the NWMB made its initial decision with respect to the MOUs, it was informed by the Manager of Wildlife Research of the Department of the Environment that these two MOUs had not yet been fully signed. They have since been submitted to the NWMB for approval, and are the subject of separate decisions.

rules only require formal NWMB approval to be valid if they are inconsistent or in conflict with:

- (i) existing provisions of the MOU that constitute plans for the management or protection of polar bears or their habitats; or
- (ii) TAHs, non-quota limitations or TAH rules established by the NWMB.

Once these rules have been approved at a meeting of the members (e.g., an Annual General Meeting) and, if necessary, by the NWMB, the rules will be forwarded to the NWMB for their review and approval. Once the NWMB has approved of the proposed polar bear hunting rules, the rules will be considered to be part of this MOU and will be recorded in Appendix 4. Community HTO Polar Bear Hunting Rules. As a courtesy, the HTO shall inform the Dept of Environment and the NWMB of new rules or amendments to existing rules at least 30 days before the new rules come into effect. ”

- (c) In subsection 5.1.3: “Two-year old’ means a polar bear that is older than two years of age or older, but less than 3 years of age, and is still with its mother.”
- (d) In subsection 5.6.1(e): “...For clarity, this stipulation means that this MOU constitutes consultation and HTO support for all Dept of Environment research studies utilizing the use of the polar bear specimens available from harvested bears referred to in subsections 5.6.1(a) to (e) for Dept of Environment research studies.”
- (e) In subsection 6.1: “...Polar bear cubs caught in traps set for other species shall be recorded as part of the human kill, but shall not be deducted from the TAH or the credits For TAH determination purposes, the cubs will be counted as males, and will require one-half tag each.”
- (f) In subsection 6.2: “When a Nunavut beneficiary residing in a () population community kills a bear in () population, the tag will come from their home community. If his/her home community has utilized all of its tags, the tag may be used from any available credits; or another () population community, with their consent. If the kill is accidental, illegal, or is carried out in defence, and no tags or credits are available from the home community or provided by another () population community, or, a tag must be taken from the next year’s TAH of the home community.”
- (g) In subsection 6.5: “...In the case of one-half tag reductions to the TAH (i.e., cubs and yearlings that were still with the mother or cubs caught in traps set for other species)...”

Moved by: Kevin McCormick Seconded by: Joannie Ikkidluak
Carried Date: December 8, 2004

Resolution 2004-101: RESOLVED that the NWMB, pursuant to subsection 5.2.34(d)(i) of the *Nunavut Land Claims Agreement* (NLCA), approve the 2004 Polar Bear Management Memorandum of Understanding (MOU) for the Management of the “Davis Strait” Polar Bear Population, insofar as it constitutes a management plan providing essential policy guidelines that help ensure the wise management of polar bears in the Nunavut Settlement Area. This approval is subject to:

1. The results of a planned reconsideration by the NWMB, the Department of Environment and Nunavut Tunngavik Inc. of the polar bear management system within Nunavut;
2. The NWMB’s authority to exercise its discretion in establishing, modifying or removing levels of total allowable harvest and non-quota limitations on harvesting in the Nunavut Settlement Area; and
3. The following modifications to the MOU:
 - (a) Subject to the consent of all the signatories to the MOU as required by subsection 1.11 of the MOU, the following amendments as recommended by the Amarok Hunters’ and Trappers’ Association:
 - (i) In subsection 1.11: “...*If one of the signatories wishes to revisit some aspect of the MOU, they shall provide notification to all other parties, and allow up to 90 days for a response...*”
 - (ii) In subsection 2.1: “*To manage polar bears to simultaneously maximize benefits to beneficiaries of the NLCA; safeguard the interests of future generations of hunters; and ensure good conservation of polar bears by ~~keeping the risk of population decline due to over-harvest~~ maintaining their numbers within the acceptable level in accordance with the best information available, including comprehensive harvest statistics.*”
 - (iii) In subsection 2.9: “*To hold management meetings with representatives of the parties to this MOU ~~at least once every 7 years~~ to review and update information and set direction for the continuing management of polar bears at least once every 7 years.*”
 - (iv) In subsection 3.3: “*The HTO will interpret and enforce these hunting rules (NLCA 5.7.3) as internal business, but the rules will not be part of the ~~regulations~~ Wildlife Regulations under the Wildlife Act.”*
 - (v) The following title heading immediately prior to subsection 4.2: “**DOE Determinations and Support**”.
 - (b) In subsection 1.12: “*For the purpose of this MOU, a Nunavut beneficiary shall be considered to include any person who has received an assignment of rights to hunt polar bears, and any person who has been designated as an Inuk as per the NLCA. For greater certainty, a person assigned a share of the polar bear TAH under NLCA Section 5.7.34(b) is*

not to be considered an Inuk under the NLCA, unless the person is an Inuk under the NLCA."

- (c) In subsection 3.2: "Within one year of the signing of the MOU, the HTO will develop and record its rules for harvesting polar bears. Such HTO rules only require formal NWMB approval to be valid if they are inconsistent or in conflict with:

- (i) existing provisions of the MOU that constitute plans for the management or protection of polar bears or their habitats; or
(ii) TAHs, non-quota limitations or TAH rules established by the NWMB.

Once these rules have been approved at a meeting of the members (e.g., an Annual General Meeting) and, if necessary, by the NWMB, the rules will be forwarded to the NWMB for their review and approval. Once the NWMB has approved of the proposed polar bear hunting rules, the rules will be considered to be part of this MOU and will be recorded in Appendix 4. **Community HTO Polar Bear Hunting Rules.** As a courtesy, the HTO shall inform the Dept of Environment and the NWMB of new rules or amendments to existing rules at least 30 days before the new rules come into effect."

- (d) In subsection 5.1.3: "'Two-year old' means a polar bear that is ~~older than~~ two years of age or older, but less than 3 years of age, and is still with its mother."
- (e) In subsection 5.6.1(e): "...For clarity, this stipulation means that this MOU constitutes ~~consultation and HTO support for all Dept of Environment research studies utilizing the use of the polar bear specimens available from harvested bears~~ referred to in subsections 5.6.1(a) to (e) for Dept of Environment research studies."
- (f) In subsection 6.1: "...Polar bear cubs caught in traps set for other species shall be recorded as part of the human kill, ~~but shall not be deducted from the TAH or the credits~~ For TAH determination purposes, the cubs will be counted as males, and will require one-half tag each."
- (g) In subsection 6.2: "When a Nunavut beneficiary residing in a () population community kills a bear in () population, the tag will come from their home community. If his/her home community has utilized all of its tags, the tag may be used from any available credits; or another () population community, with their consent. If the kill is accidental, illegal, or is carried out in defence, and no tags or credits are available from the home community or provided by another () population community, ~~or~~, a tag must be taken from the next year's TAH of the home community."

- (h) In subsection 6.5: “...*In the case of one-half tag reductions to the TAH (i.e., cubs and yearlings that were still with the mother or cubs caught in traps set for other species)...*”

Moved by: Kevin McCormick Seconded by: Joannie Ikkidluak
Carried Date: December 8, 2004

Resolution 2004-102: RESOLVED that the NWMB, pursuant to subsection 5.2.34(d)(i) of the *Nunavut Land Claims Agreement* (NLCA), approve the 2004 Polar Bear Management Memorandum of Understanding (MOU) for the Management of the “M’Clintock Channel” Polar Bear Population, insofar as it constitutes a management plan providing essential policy guidelines that help ensure the wise management of polar bears in the Nunavut Settlement Area. This approval is subject to:

1. The results of a planned reconsideration by the NWMB, the Department of Environment and Nunavut Tunngavik Inc. of the polar bear management system within Nunavut;
2. The NWMB’s authority to exercise its discretion in establishing, modifying or removing levels of total allowable harvest and non-quota limitations on harvesting in the Nunavut Settlement Area; and
3. The following modifications to the MOU:

(a) In subsection 1.12: “*For the purpose of this MOU, a Nunavut beneficiary shall be considered to include any person who has received an assignment of rights to hunt polar bears, and any person who has been designated as an Inuk as per the NLCA. For greater certainty, a person assigned a share of the polar bear TAH under NLCA Section 5.7.34(b) is not to be considered an Inuk under the NLCA, unless the person is an Inuk under the NLCA.”*

(b) In subsection 3.2: “*Within one year of the signing of the MOU, the HTO will develop and record its rules for harvesting polar bears. Such HTO rules only require formal NWMB approval to be valid if they are inconsistent or in conflict with:*

- (i) existing provisions of the MOU that constitute plans for the management or protection of polar bears or their habitats; or
- (ii) TAHs, non-quota limitations or TAH rules established by the NWMB.

Once these rules have been approved at a meeting of the members (e.g., an Annual General Meeting) and, if necessary, by the NWMB, the rules will be forwarded to the NWMB for their review and approval. Once the NWMB has approved of the proposed polar bear hunting rules, the rules will be considered to be part of this MOU and will be recorded in

Appendix 4. Community HTO Polar Bear Hunting Rules. As a courtesy, the HTO shall inform the Dept of Environment and the NWMB of new rules or amendments to existing rules at least 30 days before the new rules come into effect.”

- (c) In subsection 5.1.3: *“Two-year old’ means a polar bear that is ~~older than~~ two years of age or older, but less than 3 years of age, and is still with its mother.”*
- (d) Subject to subsection 1.11 of the MOU and to the authority of the Kitikmeot Hunters and Trappers Association under NLCA Section 5.7.6(b), replacement of the former wording in the heading directly above the Table on page 8 with the following: *“Rotational Allocation of 2 from the TAH (3) from the MC population (N=284) will start in 2004 and rotate between Cambridge Bay and Gjoa Haven in alternate years.”*
- (e) In subsection 5.6.1(e): *“...For clarity, this stipulation means that this MOU constitutes ~~consultation and HTO support for all Dept of Environment research studies utilizing the use of the polar bear specimens available from harvested bears~~ referred to in subsections 5.6.1(a) to (e) for Dept of Environment research studies.”*
- (f) In subsection 6.1: *“...Polar bear cubs caught in traps set for other species shall be recorded as part of the human kill, ~~but shall not be deducted from the TAH or the credits~~ For TAH determination purposes, the cubs will be counted as males, and will require one-half tag each.”*
- (g) In subsection 6.2: *“When a Nunavut beneficiary residing in a () population community kills a bear in () population, the tag will come from their home community. If his/her home community has utilized all of its tags, the tag may be used from any available credits; or another () population community, with their consent. If the kill is accidental, illegal, or is carried out in defence, and no tags or credits are available from the home community or provided by another () population community; or, a tag must be taken from the next year’s TAH of the home community.”*
- (h) In subsection 6.5: *“...In the case of one-half tag reductions to the TAH (i.e., cubs and yearlings that were still with the mother or cubs caught in traps set for other species)...”*

Moved by: Nick Amautinar
Carried

Seconded by: Kevin McCormick
Date: December 8, 2004

Resolution 2004-103: RESOLVED that the NWMB not support the request of the Calgary Zoo for the live capture of Muskox from Resolute Bay.

Moved by: Joannie Ikkidluak Seconded by: Paul Pemik
Carried Date: December 8, 2004

Resolution 2004-104: RESOLVED that the NWMB move to an in camera session.

Moved by: Paul Pemik Seconded by: Nick Amautinuar
Carried Date: December 9, 2004

Resolution 2004-105: RESOLVED that the NWMB move out of in camera session.

Moved by: Robert Moshenko Seconded by: Joannie Ikkidluak
Carried Date: December 9, 2004

Resolution 2004-106: RESOLVED that the NWMB, pursuant to sections 5.6.16 and 5.6.17 of the *Nunavut Land Claims Agreement (NLCA)*, and taking into account the terms of the 2004 Polar Bear Management Memorandum of Understanding for the Management of the “Davis Strait” Polar Bear Population - including the principle that a maximum sustainable harvest of polar bears requires the harvesting of at least two males for every female - establish the following level of total allowable harvest for the Davis Strait Polar Bear Population within the Nunavut Settlement Area, effective for the period from July 1st 2004 to June 30th 2005:

POLAR BEAR POPULATION	TOTAL ALLOWABLE HARVEST (TAH) DECISION FOR 2004-2005²	COMMUNITY OR REGIONAL TAH FOR 2004-2005
Davis Strait Population	46 per year	Qikiqtaaluk: 46

Moved by: Nick Amautinuar Seconded by: Abraham Kaunak
Carried Date: December 9, 2004

Resolution 2004-107: RESOLVED that the NWMB, pursuant to sections 5.6.16 and 5.6.17 of the *Nunavut Land Claims Agreement (NLCA)*, and taking into account the terms of the 2004 Polar Bear Management Memorandum of Understanding for the Management of the “M’Clintock Channel” Polar Bear Population - including the principle that a maximum sustainable harvest of polar bears requires the harvesting of at least two males for every female - establish the following level of total allowable harvest for the M’Clintock Channel Polar Bear Population within the Nunavut Settlement Area, effective for the period from July 1st 2004 to June 30th 2005:

² Polar Bears are “*presumptions as to needs*” wildlife. The basic needs level (BNL) is presumed to be equal to the TAH for such wildlife (See NLCA Section 5.6.5). Accordingly, the TAHs set out in this Table are automatically also the BNLs.

POLAR BEAR POPULATION	TOTAL ALLOWABLE HARVEST (TAH) DECISION FOR 2004-2005 ³	COMMUNITY OR REGIONAL TAH FOR 2004-2005
M'Clintock Channel Population	3 per year	Kitikmeot: 3

Moved by: Kevin McCormick Seconded by: Paul Pemik
 Carried Date: December 9, 2004

Resolution 2004-108: RESOLVED that the NWMB approve a severance package for the past Chairperson in the amount of one (1) week per year of service.

Moved by: Joannie Ikkidluak Seconded by: Abraham Kaunak
 Carried Date: December 9, 2004

Resolution 2004-109: RESOLVED that the NWMB direct staff to re-advertise the position of Director, Wildlife Management after Christmas 2004.

Moved by Joannie Ikkidluak Seconded by Paul Pemik
 Carried Date: December 9, 2004

Resolution 2004-110: RESOLVED that the NWMB conduct its 41st Regular Meeting in Iqaluit, the week of April 4, 2005.

Moved by: Joannie Ikkidluak Seconded by: Nick Amautinuar
 Carried Date: December 9, 2004

³ Polar Bears are “*presumptions as to needs*” wildlife. The basic needs level (BNL) is presumed to be equal to the TAH for such wildlife (See NLCA Section 5.6.5). Accordingly, the TAHs set out in this Table are automatically also the BNLs.