

March 31, 2006

Steven Pinksen
Director of Policy, Planning & Legislation
Department of Environment
Government of Nunavut
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FAXED
April 5/06
[Signature]

Dear Steve,

We have reviewed the draft version of *Recommendations on Total Allowable Harvest (TAH) Rates for Terrestrial Wildlife Populations in Nunavut* dated December 31st, 2005 which was submitted to us by the Department of Environment (GN-DoE) Friday January 13th, 2006. Changes noted to the document from the previous March 31st 2005 draft version are listed in table 1. These changes can be summarized as:

- The NQL establishing a harvest season for arctic wolves has been removed.
- Two figures have been added to the wolverine section in support of the proposed NQLs. However, the arguments made from this data are not completely supported because the positive relationship described between the number of wolverines harvested and the average age of harvested wolverine females is not statistically significant, although it is claimed to be significant in the document (see Figure 2.6.3 , $P=0.068$, which is not significant at $\alpha \leq 0.050$).
- There has been minor reorganization of some of the proposed muskoxen management areas, resulting in amalgamation of some zones within MX/13 and the removal of MX/04 by absorbing it into MX/05.
- The TAH for muskoxen in MX/13 was reduced from 106 to 101.

As well, some changes which were expected to the document based on GN-DoE comments made at the Wildlife Regulation Workshop held by the Board in Iqaluit November 15th to 17th 2005 were not found. For example:

- The closed season for Ravens was not removed and there remains a NQL limiting Inuit right to harvest these animals
- There is no apparent change to the proposed birds of prey TAH and NQL

In general, insufficient justification for the setting of TAH and non-quota limitations (NQL) provided for many of the species remains a concern. Lack of information about a population is not sufficient in and of itself. The Board will not make a decision which limits Inuit constitutionally enshrined rights without receiving adequate evidence to meet the demands of section 5.3.3 of the Nunavut Land Claims Agreement (NLCA):

5.3.3 Decisions of the NWMB or a Minister made in relation to Part 6 shall restrict or limit Inuit harvesting only to the extent necessary:

- (a) to effect a valid conservation purpose;
- (b) to give effect to the allocation system outlined in the Article, to other provisions of this Article and to Article 40; or
- (c) to provide for public health or public safety.

With respect to part (a), the Board requires reliable scientific information or Inuit Qaujimajatuqangit (IQ) and where applicable both types of information addressing:

1. How many populations are in Nunavut?
2. What are the geographic boundaries of the populations?
3. What is the conservation status of the populations or species in Nunavut (e.g., not at risk; at risk, if so what is the level of risk; unknown)?
4. What is the conservation status of the population or species outside of Nunavut?
5. What is the estimated size of the population; when was this estimate made; how was the estimate made and by whom; what is the confidence level of the estimate (e.g. standard error, confidence interval, etc.)?
6. What is the estimated birth rate of the population; when was this estimate made; how was the estimate made and by whom; what is the confidence level of the estimate?
7. What is the estimated natural mortality rate and survivorship rate for the population; when were these estimates made; how were they made and by whom; what is the confidence level of the estimates?
8. What are the population dynamics (is it increasing in size; decreasing in size or is it stable; what is the estimated growth rate and the error associated with this estimate)?
9. What is the harvest mortality rate or level for the population from Nunavut and what confidence do you have in this data (e.g. does reported harvest level accurately reflect hunting mortality)?
10. What is the harvest mortality rate or level for the population from other jurisdictions if applicable and what confidence do you have in this data?
11. If the proposed TAH is enacted, how is it expected to affect the population dynamics (will it cause population size to increase; decrease; stabilize; and how long will it take for the effect to occur)?

12. What is the wildlife management objective of the proposed TAH or NQL for the population (e.g. promote growth of the population to a specific level in a specified time frame; reduce growth of the population to a specific level in a specified time frame; improve the viability of the population to promote sustainable harvest, etc.)?

With respect to part (b), information needs to be submitted reporting what consultations have been made with Aboriginal people from areas outside of Nunavut who also harvest from the population and what proportion of the proposed TAH for the population will be allocated to Article 40 Aboriginal people. For example, there is no information provided in the draft document which describes the consultations made with Aboriginal people from areas which Boarder grizzly bear populations GN/01, GB/02 and GB/04.

With respect to part (c), appropriate description of how the proposed TAH or NQL will provide for public health or safety needs to be provided. For example, a closed season for raven harvest is proposed because *"Although ravens are not of any conservation concern, there is concern that shooting of ravens as a pest species may be a dangerous practice or against the harvest ethics of some communities."* However, explanation for the classification of shooting ravens as a dangerous practice is not provided. Since Inuit harvest many other species with firearms in Nunavut without the practice being considered dangerous to public health or safety, evidence or a logical rational needs to be presented to demonstrate why raven harvest is an exception.

Another general concern is that the establishment of management zones for some species (e.g. muskoxen) is probably a geographic NQL because a TAH has been proposed for each zone. As such, adequate justification for these NQLs must be provided to explain why Inuit right to harvest in these management zones should be restricted. Sufficient justification would need to address many of the points required to meet the demands of Section 5.3.3. (a) of the NLCA.

The NWMB hopes this letter clarifies the level of information required by the Board to consider establishment of TAH or NQL restricting Inuit right to harvest in Nunavut.

Sincerely;



Joe Tigullaraq
Chairperson

cc Simon Awa, Deputy Minister, Dept. of Environment, Government of Nunavut
Joe Adla Kunuk, Chief Executive Officer, Nunavut Tunngavik Incorporated

Table 1: Summary of noted changes between March 31st 2005 draft version and December 31st 2005 draft version of the document: *Recommendations on Total Allowable Harvest (TAH) Rates for Terrestrial Wildlife Populations in Nunavut.*

Page	Change
1	None
2	None
3	1.3 Process: 7 bullet points removed, minor edit to intro paragraph
4	1.5 Acknowledgements: list of participants removed, minor edit to intro paragraph
5	None
6	None
7	None
8	None
9	None
10	None
11	None
12	None
13	None
14	None
15	None
16	Wolves 2.4.4 Seasons of Harvest: removed NQL on high arctic wolves
17	Wolverine 2.6.2 add "For example, from data on the harvest of wolverines near Kugluktuk (1986-2005), the DoE's Wildlife research Section analyzed variations in female sex ratio as a function of the total number of animals harvested in each hunting season (Figure 2.6.2). The observed positive relationship between the proportion of females included in the harvest when the total harvest increases suggests that higher total harvests may be detrimental to the resident female population in W01/KT.
18	None
19	Wolverine 2.4.4 add Figure 2.6.2 and figure 2.6.3 "From the wolverine harvest monitoring near Kugluktuk (1994-2003), we also analyzed variations in female average age (at harvest) as a function of the total number of animals harvested in each hunting season (Figure 2.6.3). Older females usually have established territories and when the harvest increases, our results suggest that more resident females are taken. This is of conservation concern as the removal of resident females in W01/KT and W01/KV could affect the sustainability of the harvest
20	None
21	None but reporting requirements appear to be specific to bears not wolverines
22	None
23	Figure 3.1 management areas within population MX/13 reduced from 7 to 3 and reducing TAH for that area by 5, however original 13 Musk ox populations (MX/01 to MX/13, but note removal of MX/04) remain with the same geographic boundaries. Removal of MX/04 by absorbing it into MX/05

24	Table 3.1 area codes reduced in MX/13 and TAH reduced from 106 to 101
25	None
26	None
27	None
28	None
29	None
30	None
31	None
32	None
33	None
34	None
35	None
36	None
37	None
38	None However, NQL closed season for Ravens remains in document