



October 12, 2018

Dear Mr. Shewchuk,

Re: Nunavut Wildlife Management Board (NWMB) in-person public hearing to consider the revised Nunavut Polar Bear Co-Management Plan

Nunavut Tunngavik Incorporated (“NTI”) appreciates this additional opportunity to provide comments on the Government of Nunavut’s (“GN”) proposal with respect to the NWMB decision to consider the revised Nunavut Polar Bear Co-Management Plan (“Draft Plan”). This submission is provided in addition to NTI’s May 24, 2017 comments on the Draft Plan.

A. General Comments

Below, NTI sets out its general views with respect to the Draft Plan and some of the key issues underlying polar bear management moving forward.

1. NTI emphasizes the importance of ensuring that *Inuit Qaujimajatuqangit* (“IQ”) is adequately considered and included in Polar Bear management.

As the NWMB has recognized, the integration of IQ is an essential part of all decision-making with respect to wildlife management in Nunavut.¹ As identified in s. 1(2) of Nunavut’s *Wildlife Act*, “the guiding principles and concepts of IQ are important to the management of wildlife and habitat” in Nunavut, and must be incorporated into NWMB decision-making.² Article 5 of the Nunavut Agreement also includes an objective of creating a wildlife management system that “serves and promotes the long-term economic, social and cultural interests of Inuit harvesters” and that “promotes public confidence, particularly amongst Inuit.”³ There is a reasonable expectation that both scientific and IQ contribute to the discussion and decision making processes.

Meaningful inclusion of IQ in co-management and especially polar bear management is essential to ensure that Inuit harvesting rights under the Nunavut Agreement are respected, conservation objectives are met, and public safety is upheld.

However, IQ has not always been sufficiently incorporated by decision-makers in Nunavut.⁴ At times, wildlife management approaches “have lacked an appropriate historical context to fully

¹ NWMB Website, “Frequently Asked Questions,” accessed October 3, 2018, accessed at: <https://www.nwmb.com/en/about-nwmb/faqs#q-9-how-does-the-nwmb-incorporate-tek-iq-in-wildlife-management>

² See e.g. *Wildlife Act*, SNu 2003, c. 26, ss. 1(2), 8.

³ Nunavut Agreement, Article 5.1.3(b)

⁴ Gabriel Nirlungayuk & David S. Lee, “A Nunavut Inuit Perspective on Western Hudson Bay Polar Bear Management and the Consequences for Conservation Hunting,” in *Inuit, Polar Bears and Sustainable*

appreciate the different understandings possessed by local resource users.”⁵ As the NWMB is aware, the disconnect between the sentiment in certain scientific communities and IQ has been pronounced in various previous polar bear management discussions. For example, the NWMB reduced the Western Hudson Bay (“WH”) polar bear Total Allowable Harvest (“TAH”) from 2007-2009 based on scientific advocacy about decreased bear numbers, despite the existence of IQ to the contrary.⁶ While the weaknesses of the use of that scientific data in modelling approaches were eventually identified,⁷ the harvest totals had already been reduced, and public trust eroded in affected Inuit communities.

NTI is very supportive of all attempts made in the Draft Plan to create a system that values IQ and integrates it demonstrably into decision-making. NTI wants to emphasize the importance of ensuring that the references to IQ in the Draft Plan are transformed into meaningful action. NTI looks forward to working with NWMB to develop a flexible, comprehensive framework for polar bear management that successfully integrates IQ into management actions that uphold Inuit harvesting rights. To satisfy Article 5 of the Nunavut Agreement, Nunavut’s polar bear management framework must carefully weigh the available information and approaches including past experience.

2. NTI emphasizes primary goal of human safety.

Public safety has become an acute concern; the current polar bear harvest management system, in addition to being a system of penalization, is a system that puts Nunavut Inuit in jeopardy. NTI cannot endorse a system that exposes Inuit to life-threatening situations. The identification of a novel and adaptive mechanism that will allow for a reasonable, defensible solution to the issue of public safety may require time and discussions than will be provided by the upcoming public hearing. Therefore, NTI raises the need – and provides the blueprint – for immediate action to effectively address the bear-related public safety concerns of Nunavut Inuit.

NTI supports and welcomes the Draft Plan’s emphasis on public safety, and recognition that in many communities, “the polar bear may have exceed the co-existence threshold.”⁸ As community consultations with respect to the Draft Plan clearly established, public safety is a major concern for Inuit and must be a top consideration for the NWMB.⁹

As set out below, NTI wants to ensure that the Draft Plan sufficiently incorporates public safety concerns into its objectives and actions. NTI also wants to ensure that the paramount needs of public safety are achieved without being punitive to Inuit harvesting rights or other Inuit interests.

3. NTI requests confirmation that the Draft Plan is not mandatory and can be reviewed and updated as required.

As stated briefly in NTI’s May 2017 submission, NTI understands that this plan is not intended to be mandatory. It is NTI’s view that communities, governments or affected parties should be able to seek NWMB review of plan components – including sub-population management objectives – if and when components of the plan require updating or amendment. It is also important to ensure that actions taken under the plan are consistent with Article 5 of the Nunavut

Use: Local, National, and International Perspectives, eds. Milton M.R. Freeman and Lee Foote (Edmonton: CCI Press, 2009) at p. 141 [Nirlungayuk & Lee].

⁵ *Ibid.*

⁶ *Ibid.*, pp. 135-136.

⁷ Markus Dyck et. al., *2016 Aerial Survey of the Western Hudson Bay Polar Bear Sub-Population: Final Report* (Igloolik: Nunavut Department of Environment, 2017) at pp. 3-4.

⁸ Draft Plan, p. 6.

⁹ Nunavut Polar Bear Co-Management Plan Consultation Summary, Fall 2016, p. 2.

Agreement and there is a process to ensure that consistency. For the plan to be effective and to ensure ongoing compliance with the Nunavut Agreement, there needs to be a mechanism through which the plan and its objectives can evolve as required.

B. Specific Comments Regarding Draft Plan

1. Draft Plan should contemplate development of framework / process for potential exclusion of DLPKs from TAH.

NTI is concerned about the continued counting of Defense of Life and Property Kills (“DLPKs”) towards the TAH in communities.

As the Draft Plan recognizes, “[h]uman-bear interactions have increased and led to an increase in defence of life and property kills (DLPK).”¹⁰ Human-bear interactions continue to rise, and to lead to dangerous and sometimes fatal outcomes; this summer alone, two people were killed by polar bears in Nunavut.¹¹

Although the Draft Plan recognizes that polar bears pose an increasing public safety risk, and takes steps to address that risk (i.e., by hiring bear monitors and improving communication with the public), the Draft Plan should address one of the fundamental flaws with the current system: as long as DLPKs count towards the TAH, there will be strong social, cultural, and economic pressures that may limit necessary self-defense actions, even when there are serious and immediate risks to human life or a person’s property. While the Draft Plan attempts to mitigate some of these pressures (i.e., by stating that hides should be turned over to the local HTO as soon as possible), NTI wishes to ensure that Inuit feel able to take necessary actions to preserve public safety.

In addition to posing a serious public safety issue, the continued counting of DLPKs towards the TAH can interfere with the transmission of IQ, and to the continuation of a number of traditional hunting and fishing practices. For example, as there is currently concern regarding whether and when a DLPK by a hunter from one community will count towards another community’s TAH if the hunter is closer to that community’s territory, some hunters may be concerned about hunting outside of their areas. Similarly, as there is a perception of increased danger for hunters in camps engaging in non-polar bear hunting (i.e., for seals) as a result of polar bears, some hunters may alter or limit their current hunting practices to avoid being forced to choose between a DLPK or potential harm by a bear.¹²

In Part 1 (the Introduction), the Draft Plan also specifies that, in areas where increased polar bear abundance brings about a public safety concern and/or detrimental ecosystem effects, the focus of management ought to shift to the stabilization or reduction of polar bear numbers. Although NTI agrees with the notion that fewer bears likely entails fewer hazardous human-bear encounters, we must also point out that it is problem bears and/or bears encountered in problematic circumstances – rather than the entire bear population – that specifically need to be targeted in order to alleviate public safety concerns; reducing subpopulations to almost any level does not necessarily ensure that none of the remaining bears will endanger life or property.

¹⁰ Draft Plan, p. 19

¹¹ See e.g. “Nunavut hunter killed in summer’s second fatal polar bear attack,” *Nunatsiaq News*, August 28, 2018, accessed at: http://nunatsiaq.com/stories/article/65674nunavut_hunter_killed_in_summers_second_fatal_polar_bear_attack/

¹² See e.g. Nunavut Polar Bear Co-Management Plan Consultation Summary, Fall 2016, p. 2; submission of the Mittimatalik Hunters & Trappers Organization to NWMB regarding potential modifications of the WH TAH, May 3, 2018; submission of Hall Beach Hunters and Trappers Association regarding Draft Plan, May 15, 2017.

For these reasons, the Draft Plan should more clearly consider a potential objective or process for exclusion of DLPKs from a TAH in certain or all warranted situations.

As part of the Draft Plan, materials should be developed to consider whether and when DLPKs should not be counted towards TAH so that Inuit can know in advance that they can take actions to preserve public safety without being penalized or jeopardizing the interests of other Inuit.

Recommendation:

- NTI recommends the implementation of exclusion of DLPKs from TAHs. There should be a review of the results of the measure by the mid-term, 5-year review of the Draft Plan.
- Specifically, on page 27:
 - At the bottom of the first paragraph, add the following sentence: “In the future, and in appropriate circumstances, there may be a basis for considering the exclusion of DLPKs towards TAH.”
 - At the bottom of the page, add the following objective: “Develop framework for assessing when, and in what regions / contexts, DLPKs should not be counted towards TAH.”
- On page 31, add the following management action: “Develop framework for assessing when, and in what regions / contexts, DLPKs should not be counted towards TAH,” with a “High” priority and a timeline of “within two years.”

2. Draft Plan should contemplate process for adapting or moving away from flexible quota system, especially in the context of sex-selective harvest and DLPKs.

Inuit harvesters and organizations have consistently expressed misgivings about the way the flexible quota system is managed and applied. The over-harvesting of female problem bears, for example, is one instance where the flexible quota system compounds the already negative impact of DLPKs on community tag allocation. As NTI submitted during the November 2017 in-person hearing on the TAH for the WH subpopulation, the NWMB could, by substituting the flexible quota system – and its associated credits and penalties – with multi-year fixed TAHs further promote the conditions necessary to the meeting of shared management objectives.

In NTI’s view, the Draft Plan requires amendment to address Inuit concerns with the flexible quota system and to create a framework for reassessing or revising that system as appropriate. The current framework poses a number of challenges and barriers, including:

- Over-penalization of communities in situations where mistaken kills of female bears and DLPKs combine to reduce or even eliminate communities’ TAH for the following year (or years); and,
- Administrative barriers leading to delays and issues in processing of application for credits.

The Draft Plan does not adequately recognize these limitations, or set out a framework for addressing issues with the current system. This has the potential to result in limits on Inuit

harvesting rights that do not meet the justification standard under 5.3.3 of the Nunavut Agreement and decisions that do not appropriately reflect IQ.

Recommendation:

- On page 21, at the bottom of the second paragraph, add the sentence: “Inuit have expressed concerns that the Flexible Quota System can lead to over-penalization of communities and administrative barriers, and these concerns should form a part of future discussions regarding harvest management of bears in Nunavut.”
- On page 23, under action (2), add a bullet: “Implement temporary moratorium or amendment to flexible quota system that penalizes communities for overharvest of females.”¹³

3. Draft Plan should properly recognize Inuit concerns with sex-selective harvest.

Inuit harvesters have repeatedly voiced reservations about the 2:1 male/female sex-selective harvest. In this regard, NTI notes that the Draft Plan outlines that the elimination of the sex-selective harvest can be considered on a case-by-case basis to address evolving management objectives and concerns (e.g., public safety). NTI accordingly welcomes the GN-recommended shift to a 1:1 harvest for the Baffin Bay subpopulation.

In NTI’s view, the Draft Plan fails to adequately capture and address the ongoing debate around the appropriateness of maintaining a sex-selective harvest. Several HTOs have raised concerns about a sex-selective harvest. In the submission of the Mittimatalik Hunters & Trappers Organization, for example, a sex-selective harvest is especially problematic as female bears appear to pose greater danger to humans.

As drafted, the Draft Plan identifies potential avenues for moving away from a sex-selective harvest, but does not accurately address the underlying concerns. NTI wishes to ensure that any limitations on Inuit harvesting rights are based on IQ and justified under 5.3.3 of the Nunavut Agreement.

Recommendation:

- On page 22, after the second paragraph, add a new paragraph: “However, Inuit have expressed concerns regarding the current sex-selective harvesting system. Among other concerns, HTOs have expressed their views that the system unfairly penalizes communities for accidental overharvesting of female bears, leading to TAH reductions in future years.”

¹³ In this respect, NTI agrees with the Kivalliq Wildlife Board’s submission to the NWMB with respect to the TAH for the WH sub-population, November 24, 2017, p. 8.

4. Draft Plan should address issues posed by Manitoba polar bear tourism.

Among the other factors contributing to increased concerns regarding public safety, NTI is concerned that polar bear tourism in Manitoba has resulted in bears becoming habituated to humans and dogs, and, as a result led to increased presence of bears in and near communities. The Draft Plan should identify that risk and identify the need to develop a proposed framework for working with Manitoba to address it.

Recommendation:

- On page 28, in section 8.5.2, add a bullet: “Work with other jurisdictions in Canada to address public safety concerns and to develop coordinated responses.”
- On page 32, add an action: “Explore frameworks or coordinated approaches with neighboring jurisdictions regarding human safety,” with a “Moderate” priority and a timeline of “3 years.”

5. Draft Plan should address divergence between scientific knowledge and IQ regarding characterization of sub-populations.

NTI is concerned that the Draft Plan fails to sufficiently address the limitations with sub-population characterization. As NTI stated in its May 24, 2017 submissions, Inuit have expressed the view that bears move between subpopulations. Although NTI does not necessarily recommend a comprehensive revision to the current system, it does take the position that the Draft Plan should address this disconnect between IQ and current scientific characterizations (although NTI supports the statement at the bottom of p. 18, it is of the view that there should be further content with respect to potential action).

Recommendation:

- On page 24, at the end of the third paragraph, add the sentence: “Additionally, as Inuit have repeatedly expressed the view that polar bears appear to move between subpopulations, there may be an increased role for IQ to play in the ongoing identification and characterization of sub-populations.”
- On page 41, at the top of the page, there should be a note: “Although this Appendix sets out the current characterizations, statuses and recommendations relating to Nunavut polar bear sub-populations, IQ indicates that there may be some overlap between these populations, as certain bears may move between subpopulations.”

6. Draft Plan should address importance of preventing and mitigating property damage.

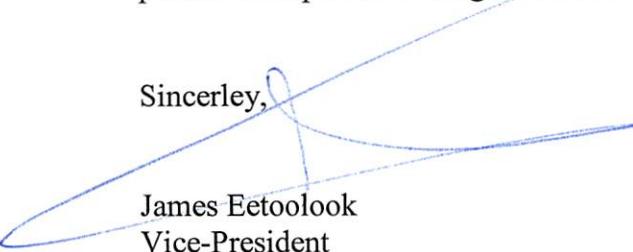
Although human safety remains the primary concern, a number of HTOs have also expressed concerns about the damages caused by bears to personal property, including cabins and cache meat. This damage, especially when it goes uncompensated, serves to reinforce perceptions about an overabundance of bears and corresponding negative impacts on local communities. Although NTI supports the objectives and recommendations relating to review and improvement of existing damage compensation and prevention programs, it also takes the position that the Draft Plan should include a statement identifying this issue.

Recommendation:

- On page 19, after paragraph 2, add a paragraph: "In addition to losses associated with DLPKs, human-bear interactions can also lead to property damage, including damage to cabins and bear destruction of food caches. Even when these interactions don't lead to DLPKs or injury to humans, they still lead to negative impacts in communities."

Thank you for this opportunity. NTI looks forward to speaking to these and, if necessary, other points at the public hearing next month.

Sincerley,



James Eetoolook
Vice-President
Nunavut Tunngavik Inc.



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May 24, 2017

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

Dear Mr. Shewchuk:

Re: Public Hearing of the Nunavut Wildlife Management Board (NWMB) to consider the revised Nunavut Polar Bear Co-Management Plan, Iqaluit, Nunavut, June 6-8, 2017

Nunavut Tunngavik Incorporated (NTI) appreciates this opportunity to provide comments on the Nunavut polar bear co-management plan.

A. GENERAL COMMENTS

These comments are based on the consultations conducted by the Government of Nunavut.

- 1) Several HTOs especially in the Baffin and Kitikmeot region expressed concern over the male sex selective harvest. For example, during consultations in the Baffin and Kitikmeot region, communities expressed problems with the 2:1 sex ratio for at least two major reasons. Firstly, for some areas, there are fewer females available. Secondly, the high penalties that communities experience in quota reductions the following year(s) when females are overharvested. A 1:1 ratio was provided as a solution but the response by Government to this change remains uncertain. For example, we suspect that the communities would be very surprised to learn that their total TAH would be lowered. This would result if the Government response was not to increase the number of available females but instead lower the number of available males to meet the 1:1 sex ratio.
- 2) Inuit have repeatedly expressed that bears move between the current subpopulation boundaries. For example, affected communities have expressed that Gulf of Boothia and M'Clintock Channel subpopulations share polar bears. Inuit have also expressed that

bears move and mix within Hudson Bay. A recent study provides evidence for fine-scale structure, but there remains varying levels of gene flow between clusters within the Hudson Bay region (Viengkone et al. 2016¹).

- 3) Inuit and NTI have also expressed concerns over the management and application of the flexible quota system. For example, when there has been application for credits, the release of tags by the Government has sometimes been forwarded to the NWMB for approval. This is considered an unnecessary administrative step. It is expected that the TAH will continue to be provided to the RWOs for allocation to communities and that credit requests will be satisfied in a reasonable amount of time.

B. DETAILED RECOMMENDATIONS

NTI's detailed recommendations are made in order to

- improve the plan's descriptions of *Nunavut Agreement* requirements,
- clarify responsibility for the plan,
- clarify the intent of the plan, and
- add a recommendation regarding the federal government's implementation of the *Convention on International Trade in Endangered Species (CITES)*.

Author

On the title page, identify the Government of Nunavut as the plan's author.

Proponent, and approval process

In the Preface or Executive Summary, note that the Government of Nunavut is proposing that the NWMB approve this management plan. In addition, note that the plan will be adopted upon the NWMB's decision being accepted or varied by Nunavut's Minister of Environment.

References to the *Nunavut Agreement*

Throughout the document, replace "Nunavut Land Claims Agreement" or "NLCA" by "*Nunavut Agreement*" or "Agreement".

PREFACE – page 1

In the first paragraph, fourth sentence, add the following underlined words:

¹ Viengkone M., A.E. Derocher, E.S. Richardson, R.M. Malenfant, J.M. Miller, M.E. Obbard, M.G. Dyck, N.J. Lunn, V. Sahanatien, and C. Davis. 2016. Assessing Polar Bear (*Ursus maritimus*) population structure in the Hudson Bay region using SNPs. *Ecology and Evolution* 6(23): 8474-8484.

“The *Nunavut Agreement* recognises Inuit harvesting rights and requires that Inuit play an effective role in all aspects of wildlife management.”

In the second paragraph, second sentence, add the following underlined words:

The NWMB has the discretionary responsibility of approving management plans (Article 5 section 5.2.34 d(i))

In the second paragraph, reword the last sentence as follows:

(from) This plan has been prepared in cooperation with Nunavut Tunngavik Inc., the Department of Environment, Regional Wildlife Organizations, Hunters and Trappers Organizations, and Inuit community members from throughout Nunavut.

(to) This plan has been prepared by the Department of Environment in cooperation with Nunavut Tunngavik Inc., Regional Wildlife Organizations, Hunters and Trappers Organizations, and Inuit community members from throughout Nunavut.

EXECUTIVE SUMMARY – page 2

In the second paragraph, reword the first sentence as follows:

(from) This intent of this plan is: 1) to provide guidance and direction to co-management partners for decision-making;

(to) [same as above, except delete “and direction”]

Note: NTI does not understand this management plan as intended to trigger the Government’s duty to implement NWMB decisions, or to give mandatory instruction to the Government, NWMB, RWOs or HTOs. The Preface, for example, states that “[i]mplementation of this management plan is subject to ...priorities ... of the participating jurisdictions and organizations.”

TABLE OF CONTENTS – pages 3-5

Add the following new subheadings:

6.1 Decision criteria

6.2 Principles of Conservation

Add a new sub-heading, “**6.3 Co-Management Partners**”, and re-number the current sections 6.1-6.6, **6.3.1-6.3.6**.

ACKNOWLEDGEMENTS – page 5

Place the acknowledgements at the end of the document.

1. INTRODUCTION – page 6

In the first paragraph, reword the second sentence as follows:

(from) Restrictions (e.g., limiting the number of polar bears harvested per year per subpopulation) were the primary means of population recovery in regions where abundance was reduced as the result of unsustainable harvest.

(to) Restrictions (e.g., limiting the number of polar bears harvested per year per subpopulation) were the primary means of population recovery in regions where abundance had been reduced [].

2. GUIDING PRINCIPLES – page 7

Reword the last guiding principle as follows:

(from) Where there are threats of serious or irreparable damage to polar bear populations or habitat, lack of certainty will not be a reason for postponing reasonable or precautionary conservation measures.

(to) Inuit harvesting will be limited for conservation reasons only to the extent that a limitation is necessary and only according to the Principles of Conservation. Subject to those requirements of the *Nunavut Agreement*, lack of certainty will not be a reason for postponing [] conservation measures where there is a sound and credible case, based on evidence, that a risk of serious or irreparable damage to polar bear populations or habitat exists,

Note: This recommendation reflects s. 5.3.3 of the *Nunavut Agreement*, the Principles of Conservation, and the following statements in the Government of Canada’s policy on application of the precautionary approach to resource management:

[the precautionary principle] “cannot be applied without an appropriate assessment of risks.” (page 3). ...“Sound scientific information and its evaluation must be the basis for applying precaution” (page 7). “The emphasis should be on providing a sound and credible case that a risk of serious or irreversible harm exists” (page 7).

Government of Canada, *A Framework for the Application of Precaution in Science-based Decision Making about Risk* (Privy Council Office, 2003).

3. GOAL OF THE POLAR BEAR MANAGEMENT PLAN – page 8

Re-word the goal as follows:

(from) To maintain viable and healthy polar bear subpopulations for current and future generations, and to ensure that polar bears remain an integrated and functioning part of the ecosystem while monitored and appropriate harvests are allowed.

(to) To maintain vital and healthy polar bear subpopulations capable of sustaining harvesting needs for current and future generations, and to ensure that polar bears remain

an integrated and functioning part of the ecosystem while monitored, sustainable harvests occur.

Note: This recommendation takes into account the Principles of Conservation and Inuit harvesting rights in the *Nunavut Agreement*.

4. SPECIES DESCRIPTION - page 8

Under 4.3.1, Global range, second last line, add “according to Canada’s Polar Bear Technical Advisory Group” after “current status”.

Under 4.3.2, Nunavut range, reword the last sentence as follows:

(from) A more detailed background and description of Nunavut’s polar bear subpopulations is provided in Appendix B.

(to) A more detailed background and description of Nunavut’s polar bear subpopulations, together with management recommendations for each subpopulation, are provided in Appendix B.

5.3 Legislative frameworks and agreements – page 13

In the first sentence, add the words underlined below:

In Nunavut, wildlife is managed according to Article 5 of the *Nunavut Agreement*. Article 5 recognizes the right of Inuit to harvest polar bears and trade in polar bear products. It also sets out the creation of the Nunavut Wildlife Management Board (NWMB), which is the primary instrument of wildlife management in Nunavut, and defines the roles of the NWMB, government, Hunters and Trappers Organizations (HTOs), and Regional Wildlife Organizations (RWOs)

6. POLAR BEAR CO-MANAGEMENT IN NUNAVUT – page 14

Immediately after the title, add the following:

The *Nunavut Agreement* and *Wildlife Act* provide the overarching criteria and principles under which Inuit harvesting of polar bears is managed.

6.1 Decision criteria

Conservation, public health and public safety are among the purposes for which Inuit harvesting of polar bears may be limited. Decisions made by the NWMB and Minister must limit Inuit harvesting only to the extent necessary.

6.2 Principles of Conservation

Decisions made by the NWMB and Minister for conservation reasons must apply the following principles:

(a) the maintenance of the natural balance of ecological systems within the Nunavut Settlement Area;

- (b) the protection of wildlife habitat;
- (c) the maintenance of vital, healthy, wildlife populations capable of sustaining harvesting needs as defined in this Article; and
- (d) the restoration and revitalization of depleted populations of wildlife and wildlife habitat.

Insert a new sub-heading, “ **6.3 Co-Management Partners**”, immediately before the sentence commencing with “The following co-management partners participate”. Re-number the current sections 6.1-6.6 sections **6.3.1-6.3.6**.

6.1 – page 14

Re-word the last sentence follows:

The Nunavut Agreement is paramount over legislation, and is constitutionally protected under Canada’s Constitution Act, 1982.

6.2 NWMB – page 14

Re-word the second sentence as follows:

(from) In addition, it approves management plans and the designation of rare species.

(to) In addition, it may approve management plans and the designation of rare species.

6.6 Government of Canada – page 15

Add the underlined sentence below:

Canada signs international agreements on behalf of all jurisdictions and has responsibilities to coordinate international management actions for polar bears, with the advice of the co-management boards and jurisdictions. It is involved in international polar bear management including the Convention on International Trade in Endangered Species (CITES) and the 1973 *Agreement on the Conservation of Polar Bears*. When developing positions that relate to international agreements affecting Inuit harvesting rights in the Nunavut Settlement Area, the Government of Canada is required under the Nunavut Agreement to include Inuit in discussions.

Figure 2 The Co-Management Framework in Nunavut - page 16

Give NTI and similar organizations their own oval named “NTI and other representative Aboriginal Organizations”.

Distinguish between the proposal for decision and recommendations made by other parties.

Delete reference to polar bear MOUs.

Give “hearings” its own box and rename this box “NWMB hearings”.

In the box following the NWMB’s first decision, add the following: “Government accepts, is deemed to accept, or rejects”. In the next oval, replace “Accepts” with “Accepted”.

Replace “Government” with “Minister” in the boxes.

Remove the components referring to judicial challenges of NWMB decisions.

Note: The Minister’s duty to implement final NWMB decisions forthwith applies as soon as the decision is accepted or varied.

Rename the last box as follows:

(from) Responsible Minister implements Management Action

(to) Responsible Minister implements accepted or varied NWMB final decision.

7.5 Population boundaries – page 18

In the first paragraph, reword the last sentence as follows:

(from) It is important to recognize that these boundaries have formed the basis for management actions for over four decades, and have been beneficial to managers for setting harvest levels and for researchers focusing their population assessment studies.

(to) It is important to recognize that these boundaries have formed the basis for management actions for over four decades, and have been relied on by managers to set harvest levels and by researchers focusing their population assessment studies.

7.8 Trade – page 20

At the conclusion of this section, add the following:

Under the Nunavut Agreement, Inuit have the right to sell polar bear hides outside the Nunavut Settlement Area and to receive an export permit for this purpose on demand unless there is good cause for refusal. It is a recommendation of this plan that, when making and reviewing non-detriment findings under CITES, Canada’s Scientific Authority should presume that final decisions of the NWMB respecting TAHs reflect the sustainable harvest level of polar bear subpopulations in Nunavut.

8.1.1 Harvest Management – page 21

In the first paragraph, reword the second sentence as follows:

(from) As new information becomes available, co-management partners work together to establish a Total Allowable Harvest (TAH) for each polar bear population.

(to) As new information becomes available, co-management partners work together to consider or review a Total Allowable Harvest (TAH) for each polar bear population.

In the second paragraph, reword the first sentence as follows:

(from) Once the TAH is established, local communities are given the choice whether they wish to harvest the set number of bears for their own needs or to allocate a portion of the total for sport hunts

(to) Where a TAH is established, HTOs have the choice whether they wish to harvest the set number of bears [] or to allocate a portion of the total for sport hunts.

In the third paragraph, reword the first sentence as follows:

(from) While the TAH for each polar bear population is subject to change, the following harvest restrictions are legislated in the Nunavut Wildlife Act and do not vary according to population dynamics or annual removals.

(to) While the TAH for each polar bear population is subject to change, the following harvest restrictions have been established by the NWMB for enactment in the Nunavut *Wildlife Act*, and do not vary according to population dynamics or annual removals.

8.1.3 Harvest Reporting and Monitoring – page 22

Re-word the last sentence on page 23 as follows:

(from) DOE will consider these requests on a case-by-case basis, and only as new information becomes available;

(to) The NWMB will consider these requests on a case-by-case basis, and only as new information becomes available.

8.3 Habitat management and environmental stewardship (Avatitinnik Kamatsiarniq) objectives – page 26

Add, following the objectives already listed, the following:

- Generally, assist Canada to meet its obligation under Article II of the *International Agreement on Conservation of Polar Bears* to “take appropriate action to protect the ecosystems of which polar bears are a part, with special attention to habitat components such as denning and feeding sites and migration patterns.”

9. IMPLEMENTATION OF THE PLAN – page 29

Throughout this section, clarify where in the document the reader may find “the management objective for the subpopulation”.

In the first paragraph:

- delete the following statement: “No changes to existing TAH will occur until new information becomes available.”
- reword the last sentence as follows:

(from) At that time, a new TAH will be recommended that is consistent with the subpopulation management objective and the objectives of this plan.

(to) At that time, a change to the TAH will be recommended that is consistent with the subpopulation management objective and the objectives of this plan.

- add as the closing sentence: “Otherwise, changes to TAHs may be considered according to the NWMB decision process”.

In the second paragraph:

- reword the first sentence as follows:

(from) The co-management structure in Nunavut requires an NWMB decision for any change to TAH, management objectives, or NQL.

(to) The co-management structure in Nunavut requires an NWMB decision for any change to TAH [] or NQL.

Note: As stated above, NTI does not understand this plan as intended to be mandatory. Therefore a community, government, or any affected party should be free to seek NWMB review of a subpopulation management objective at any time. The NWMB should change such an objective on review if persuaded that the objective adopted in this plan should be revised.

- reword the following phrase as per the reworded goal of the plan:

(from) The goal of the management plan is “*To maintain viable and healthy polar bear subpopulations for current and future generations, and to ensure that polar bears remain an integrated and functioning part of the ecosystem while monitored and appropriate harvests are allowed.*”

(to) The goal of the management plan is “*To maintain vital and healthy polar bear subpopulations capable of sustaining harvesting needs for current and future generations, and to ensure that polar bears remain an integrated and functioning part of the ecosystem while monitored, sustainable harvests occur.”*

Appendix A – page 33

Use the most up-to- date Polar Bear Technical Committee figures at the public hearing and in the plan submitted for approval.

Appendix B – page 41

Clarify throughout this Appendix whether “current ... abundance” is intended to be based on the most recent survey results available, the figure for “current status” shown, or a different source.

At the public hearing, after seeking the views of the HTOs, the NWMB should consider adopting a management objective of decreasing current abundance for the Baffin Bay and Davis Strait subpopulations.

Note: NTI understands the NWMB and Government to be managing the Davis Strait subpopulation, in particular, for decrease.

Thank you again for this opportunity and NTI looks forward to taking part in the upcoming public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Arreak', with a large, stylized flourish extending to the left.

James T. Arreak

Chief Executive Officer