



Δ<> 14, 2022

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СДАЧА СООБЩЕСТВЕННОГО ПОСТРОЕНИЯ ИМЕЮЩЕГО АРХИТЕКТОРСКОЕ ЗНАЧЕНИЕ (ПОСТРОЕНИЯ) ПО АДРЕсу: 10, ул. Маркса, д. 10а, строение 1 (IC001-2022),

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Nunavut Wildlife Management Board**

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¹ ମୋଟାର କର୍ତ୍ତାଙ୍କ ପରିଷଦ୍ ଅଧୀକ୍ଷଣ 5.1.3(b)(ii)

² የዚህን ማረጋገጫ በበኩለ ስራውን 5.1.2(e)



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Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

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Daniel Shulman

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April 14, 2022

Hon. Joyce Murray
Minister of Fisheries and Oceans Canada
Government of Canada

Dear Joyce Murray:

Re: NWMB Decision on Qikiqtaaluk Wildlife Board's Request for Modifications to the Baffin Bay Narwhal Management System

NWMB Decision

At the Nunavut Wildlife Management Board's (NWMB or Board) Regular Meeting (RM001-2022) on March 9, 2022, the Qikiqtaaluk Wildlife Board presented a proposal requesting the Board to approve changes to the narwhal management system for the East Baffin Island, Eclipse Sound and Admiralty Inlet management units.

In its submission to the NWMB, the Qikiqtaaluk Wildlife Board (QWB) proposed the following modifications to the narwhal management system:

1. Combine East Baffin Island, Eclipse Sound and Admiralty Inlet management units into one management unit referred to by the Qikiqtaaluk Wildlife Board as Northern and Eastern Baffin Island (NEBI);
2. Establish a single Total Allowable Harvest (TAH) for narwhals in the waters of Northern and Eastern Baffin Island by merging the current TAHs for the narwhal stocks of East Baffin Island, Eclipse Sound and Admiralty Inlet;
3. Continue the allocation of 104 migratory season tags from the Somerset Island stock to two Qikiqtaaluk communities: Pond Inlet (53) and Arctic Bay (51);
4. Remove the seasonal non-quota limitation and establish one annual hunting season;
5. Enable the Qikiqtaaluk Wildlife Board to allocate the proposed NEBI TAHs among the six affected Hunters and Trappers Organizations (HTOs);
6. Support the Qikiqtaaluk Wildlife Board's and HTOs' jurisdictions to establish by-laws;
7. Continue to carry-forward unused allocated tags from one year to the next for each HTO.

The Qikiqtaaluk Wildlife Board's submission relied, in part, on a legal position adopted



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by its Executive Committee in December 2020 to assert that the *Nunavut Agreement* intended to give primacy to Inuit systems of wildlife management. In its submission, the Qikiqtaaluk Wildlife Board stated that “science and scientific systems of wildlife management are not specifically recognized or mentioned in Article 5 of the *Nunavut Agreement*”.

At the NWMB's March 10, 2022, In-Camera Meeting (IC001-2022), the Board made the following decision:

RESOLVED that, Pursuant to Section 5.2.34(d)(i) of the *Nunavut Agreement*, the Nunavut Wildlife Management Board is not ready to modify the management system for Baffin Bay narwhal at this time.

Furthermore, the NWMB understands and acknowledges concerns that assumptions used to determine narwhal stock boundaries and the harvest allocation model used in the 2012 integrated fisheries management plan (IFMP) for the Baffin Bay narwhal population do not reflect Inuit Qaujimajatuqangit for narwhal movement. The NWMB confirms its willingness to receive updates to the IFMP that address and accommodate these concerns. The NWMB advises all co-management partners we will be particularly alert to assessing potential impacts of any proposed revisions or alternatives to the narwhal harvest allocation system on the conservation purpose of the current system, and on harvesters.

Reasons for NWMB Decision

In reaching its decision, the Board considered the Qikiqtaaluk Wildlife Board's submission, oral and written submissions from the Department of Fisheries and Oceans (DFO) staff, and oral submissions from co-management partners.

The narwhal IFMP

DFO developed the narwhal IFMP through a consultative process that included input from all co-management partners. The main objectives of the narwhal IFMP are to maintain vital, healthy narwhal populations capable of sustaining harvesting needs while respecting the *Nunavut Agreement* and Fisheries and Oceans Canada's precautionary approach to wildlife management. Based on the narwhal IFMP, the Baffin Bay narwhal population is managed as four individual stocks (East Baffin Island, Eclipse Sound,



Admiralty Inlet and Somerset Island). This management strategy is intended to reduce potential local depletion. In addition, the division of the harvest season into a migratory and a summer season and the use of that harvest allocation model are intended to reduce the risk of over-exploitation that may occur when a smaller stock is assumed to be part of a larger and wider-ranging population. In 2012, the NWMB decided and the Minister accepted, to approve the narwhal IFMP on the condition that it be reviewed in 2017.

QWB Proposal

The QWB's proposal reflects concerns expressed by Inuit regarding the narwhal harvest management system. The QWB challenges the current definition of narwhal summer aggregation areas, arguing that the 2012 delineations and underlying assumptions do not reflect Inuit Qaujimajatuqangit of narwhal behaviour. Over the course of NWMB proceedings on narwhal management, including the 2012 IFMP proceeding, the NWMB has heard Inuit consistently share that narwhal move from one area to another during the summer. The NWMB understands Inuit have pointed out the delineation of summering stocks relied on a relatively small number of satellite tags and raised concerns about the reliability of the harvest allocation model assumptions.

The NWMB is aware that since 2012, new science and Inuit Qaujimajatuqangit information is now available, and a review of the narwhal IFMP is already overdue. The NWMB acknowledges that Inuit systems of wildlife management must be recognized in the Nunavut wildlife management systems, including the narwhal IFMP. The QWB and its constituent Hunters and Trappers Organizations express frustration with a narwhal management system that co-management partners increasingly accept needs to be updated. The longer this process takes, the more time passes since 2017 when the review was expected. Co-management partners need to take these concerns seriously and address themselves to make changes where warranted. The NWMB is aware that DFO has initiated a co-management working group to review the narwhal IFMP. The issues raised by the QWB are crucial for co-management partners and particularly for DFO to consider as the work of the working group proceeds. The NWMB supports a collaborative review process that considers and uses available Inuit Qaujimajatuqangit.

The QWB request to amalgamate management boundaries, remove non-quota limitations and to discontinue the use of the harvest allocation model represent significant changes to the narwhal management system and as proposed, they are to occur all at once. The QWB has not sufficiently explained how key features of their proposal would be implemented. This includes the justifying of its proposal with



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reference to potential future by-laws detailing its authority to allocate harvest and how their proposed management system would mitigate the risk of local depletion, which is an important conservation purpose justifying the current approach to management units in the Integrated Fisheries Management Plan. The NWMB is also concerned that potential impacts to harvesters in the Kitikmeot Region are not adequately understood or addressed.

Response from parties

The NWMB received submissions from other co-management partners at its Regular Meeting in March 2022. The NWMB heard from representatives of the Kitikmeot Regional Wildlife Board (KRBW) who were uncertain about potential negative impacts on Kitikmeot narwhal harvesters. KRBW stated that they desired more information on the potential impacts of the QWB proposal on the Somerset Island stock before they can decide if they support it. The NWMB accepts that the KRBW was not given sufficient time to study, understand and respond to the QWB's proposal.

The NWMB considered submissions on the QWB proposal from DFO. DFO raised concerns about potential impacts on harvesting in other regions, possible impacts on the sustainability of the flexible quota system and the possibility of local depletion.

Co-management partners also raised possible implications of the QWB's proposal for the international trade of narwhal products from Nunavut. Work is underway within DFO to review this concern and technical advice on the risk of a non-detrimental finding under CITES is pending.

The NWMB is concerned that making changes to the narwhal integrated management system at this time may have negative consequences to narwhal conservation, particularly if a viable alternative management system (including the necessary by-laws) is not available for the NWMB to review and consider when the proposal is received.

Primacy

In its proposal, the QWB asserted the intended "primacy" of Inuit systems of wildlife management as a justification for its proposal to remove existing conservation measures. When asked about this legal position, neither the QWB representative nor their legal counsel chose to provide any response. The NWMB acknowledges the



primary role Inuit have in wildlife harvesting in Nunavut.¹ Article 5 recognizes the need for an effective system of wildlife management that recognizes Inuit systems of wildlife management that contribute to wildlife conservation.² However, without further explanation, the NWMB is not persuaded by the QWB's argument of primacy for Inuit systems of wildlife management in this case.

The *Nunavut Agreement* calls for wildlife management that *recognizes* Inuit systems that contribute to conservation. While addressing Inuit rights, the NWMB takes significant account of conservation principles when making its decisions. The NWMB understands its wildlife co-management mandate requires accounting for both Inuit Qaujimajatuqangit *and* science (science is a fundamental feature of modern conservation and conservation is a critical objective of the NWMB's wildlife management mandate). A combination of both worldviews tends to form the basis for NWMB decisions depending on the circumstances. However, the NWMB is not able to support a proposal that relies on an assertion of Inuit "primacy" without that position being explained.

By-laws

The NWMB makes decisions on the information before it. There were no QWB by-laws on narwhal harvest management provided to the NWMB for review. In this case, the QWB proposes an as-yet undrafted RWO by-law to replace an existing narwhal management system. The NWMB concerns itself with the effectiveness of any proposed management system that intends to satisfy a conservation purpose. There are unresolved questions about the specific mechanics of the proposed approach beyond the contributions of Inuit Qaujimajatuqangit to the definition of narwhal stock boundaries. The input of co-management partners is essential to the success of the Nunavut wildlife co-management system. Understanding the scope and content of a proposed approach to conservation requires co-management partner input and NWMB review. A proposal must be sufficiently developed for the NWMB to be confident it can achieve its intended aims. As submitted, the QWB proposal is not able to do so.

Co-Management

The QWB proposal does not appear to have made material changes to a similar proposal submitted almost two years ago. In this current proposal, the QWB relied on

¹ NA, s. 5.1.3(b)(ii)

² NA, s. 5.1.2(e)



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Inuit Qaujimajatuqangit evidence, unexplained strategic legal positions, promised by-law development and assertive conduct to advance a proposal that includes potential impacts on effective conservation. The NWMB takes issue with QWB's characterization of the current state of co-management work on the narwhal management system as duress. The NWMB reminds all parties that saying disrespectful things about others has no place in its proceedings.

The QWB is one part of co-management. The NWMB is another. There are other partners, which include the RWOs, HTOs, Nunavut Tunngavik Inc. and DFO that are co-management partners for narwhal. The NWMB is aware of how important consultation with Inuit is where their rights could be affected. The term consultation can be used for the Crown's duty to consult (which would include any approval of the QWB's application by the Minister), and the NWMB's duty of fairness (which requires notice and the opportunity to respond before it makes decisions). Other co-management partners brought important factors to light in the consideration of the QWB proposal, persuading the NWMB that more discussion, or consultation, is necessary. The NWMB is particularly attentive to perspectives from Inuit who will be directly affected, notably Inuit in the Kitikmeot including KRWB and Kitikmeot HTOs that harvest narwhal, as well as the Arctic Bay HTO who would face significant impact from the proposal to modify or remove the Admiralty Inlet stock definition. Based on the submissions of the KRWB and NTI in the Regular Meeting, the NWMB understands more time is needed to study, understand and respond to the proposal and its potential impacts. In describing the consultation as inadequate, the NWMB re-states this is in relation to the NWMB's duty of fairness and *not* the Crown's duty to consult.

In this decision, the NWMB provides its perspective on these key issues as the review proceeds. The current narwhal conservation system seems to be generally functional, is now under active review and draws its origins from a decision made after a co-management proceeding. The issues involved in narwhal management are also complex. Changing one part of the system, such as the definition of stock boundaries, will impact other parts of the narwhal management system. Those impacts require adequate explanation, or at least additional time for co-management partners to understand. The NWMB will not remove a conservation measure without a better understanding of the impacts of what will replace it. In this case, the QWB has not met the burden of introducing sufficient evidence to support its application.



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Conclusion

The NWMB supports a collaborative approach with respectful communication on the revision of the IFMP and calls on co-management partners to make a sincere effort at constructive dialogue. Going forward, the NWMB intends to have a more active role in contributing to the work of the narwhal working group. NWMB calls on co-management partners to consider the evidence about narwhal locations and stock definition presented by the Qikiqtaaluk Wildlife Board during work to revise the narwhal IFMP. Inuit evidence about current narwhal stock definitions in East Baffin Island, Eclipse Sound, Admiralty Inlet and Somerset Island, with potential implications to the harvest allocation for those narwhal stocks, must be seriously considered as part of the IFMP revision process.

The NWMB looks forward to your reply and completion of the *Nunavut Agreement* Article 5 decision-making process. If you have any questions regarding this letter, please do not hesitate to contact the NWMB.

Sincerely,

Daniel Shewchuk
Chairperson
Nunavut Wildlife Management Board

cc: Gabriel Nirlungayuq, Department of Fisheries and Oceans Canada.



June 10, 2022

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

Dear Mr. Shewchuk:

Thank you for your correspondence of April 14, 2022 in which you conveyed the Nunavut Wildlife Management Board's (NWMB) decision with respect to the Qikiqtaaluk Wildlife Board's (QWB) Request for Modifications to the Baffin Bay Narwhal Management System. I wish to commend the members of the Board and its staff for the thorough and thoughtful analysis that has informed the Board's decision:

“RESOLVED that, Pursuant to Section 5.2.34(d)(i) of the *Nunavut Agreement*, the Nunavut Wildlife Management Board is not ready to modify the management system for Baffin Bay narwhal at this time.”

Pursuant to Section 5.3.18 of the *Nunavut Agreement*, I accept the Board's decision to not modify the management system for Baffin Bay narwhal at this time.

I am pleased to learn of the NWMB's intention to take a more active role in the work of the Narwhal Working Group. In my view, a collaborative co-management review of the Integrated Fisheries Management Plan for Narwhal in the Nunavut Settlement Area (IFMP) offers a better approach to exchange information and develop recommendations collaboratively. I look forward to the outcome of this review, and the recommendations proposed to better reflect the most current information from all knowledge streams, especially Inuit Qaujimajatuqangit pertaining to narwhal movement.

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My department remains committed to working with all Nunavut co-management organizations to make resource management decisions that respect the *Nunavut Agreement* and include the best available knowledge sources and systems. I look forward to our continued collaboration in the co-management of the Nunavut narwhal fishery.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "J.M." followed by a stylized surname.

The Honourable Joyce Murray, P.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard