



ᐱᓗᕋᕛᕙᕐᓂᑦ ᐅᐭᕐᓂᑦ ᕐᖃᕈᐱᕐᓗ ᕐᓗᕐᐱᕐᓗᕐᓂᕐᒥᕐ ᕙᕈᕙᕐ ᕐᖃᕈᐱᕐᓗᕐᓂᕐᒥᕐ ᕐᓗᕐᓗ ᕐᖃᕈᐱᕐᓗᕐᓂᕐᒥᕐ ᕐᖃᕈᐱᕐᓗᕐᓂᕐᒥᕐ
Tammaqtailinahuarnirit anngutighat atuqhugit Inuit qaujjimajatuqangillu ilihimaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujijmajuqangit and scientific knowledge

March 20th 2017

The Honourable Dominic LeBlanc
Minister of Fisheries, Oceans and the Canadian Coast Guard
15th Floor, Centennial Towers
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Minister LeBlanc:

Re: Nunavut Wildlife Management Board decision concerning proposed modifications to total allowable harvest levels for Eclipse Sound and Admiralty Inlet narwhal

1. NWMB Decision

On November 28th and 29th 2016, the Nunavut Wildlife Management Board (NWMB or Board) held an in-person public hearing in Pond Inlet, Nunavut, to consider proposed modifications to the total allowable harvests for the Eclipse Sound and Admiralty Inlet narwhal management units. In attendance as parties at the hearing were representatives of Fisheries and Oceans Canada, Nunavut Tunngavik Incorporated, Qikiqtaaluk Wildlife Board, the Mittimatalik Hunters and Trappers Organization, the Ikajutit Hunters and Trappers Organization, and Qaujimaniliit recognized by their communities as possessing in-depth Inuit Qaujimajatuqangit concerning narwhal.

The NWMB carefully considered the written and oral arguments and evidence presented during the public hearing¹ at its In-Camera meeting on March 8th 2017, and made the following decision:

RESOLVED that the Nunavut Wildlife Management Board – based on its conclusion that the Admiralty Inlet and Eclipse Sound narwhal management units form a single narwhal stock – establish a regional total allowable harvest of 542 narwhal for the Admiralty Inlet-Eclipse Sound narwhal stock, pursuant to Section 5.6.16 and Subsection 5.6.17(b) of the Nunavut Agreement.

¹ All of the written submissions received and considered at the hearing are publicly available for download from the Board's website (www.nwmb.com). In addition, the NWMB has produced a full transcript of the oral submissions and questions and answers delivered during the two-day hearing, which is also available on the NWMB's website. A brief summary of key points made during the hearing process is attached to this letter as Appendix 1.

2. Rationale for the NWMB's Decision

During its decision-making, the NWMB carefully considered the best available scientific information and Inuit Qaujimajatuqangit. The Board noted that several hearing parties considered that the narwhal in the Eclipse Sound and Admiralty Inlet management units to be a single narwhal stock. Qaujimaniliit and representatives from both Hunters and Trappers Organizations, in particular, have observed movements of narwhal between the two areas and frequent changes in narwhal distribution in both Admiralty Inlet and Eclipse Sound.

Based on this Inuit Qaujimajatuqangit provided by community members and other hearing parties, and pursuant to Section 5.6.17 of the *Nunavut Agreement* ("...a total allowable harvest of a stock or population..."), the NWMB decided to establish a regional total allowable harvest for the combined areas of Eclipse Sound and Admiralty Inlet. The NWMB agrees with the Inuit Qaujimajatuqangit indicating connectivity between the two areas and agrees that narwhal in Eclipse Sound and Admiralty Inlet form a single stock. The NWMB further based this decision on the most recent scientific information produced by Fisheries and Oceans Canada indicating a Total Allowable Landed Catch for the combined areas of Admiralty Inlet and Eclipse Sound of 542 whales².

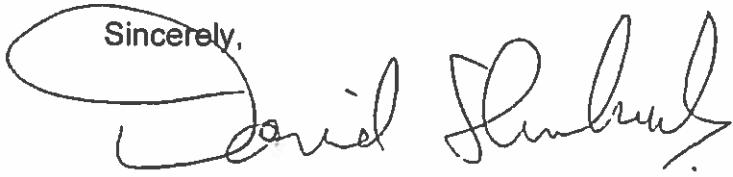
The NWMB's decision takes into account the most recent scientific information concerning the abundance of this narwhal stock, as well as Inuit Qaujimajatuqangit provided by the communities of Pond Inlet and Arctic Bay. In its decision-making, the NWMB also considered the uncertainty regarding the movements of narwhals in this area, both between Admiralty Inlet and Eclipse Sound and into Baffin Bay and the waters of Greenland, as well as the impacts of shipping and vessel traffic on narwhal behaviour and distribution. The Board expects that further research into these concerns will inform and improve narwhal management in the future.

3. Conclusion

As per Section 5.3.17 of the *Nunavut Agreement*, the NWMB is hereby forwarding its decision concerning the total allowable harvest level for Eclipse Sound and Admiralty Inlet narwhal to you for your review and consideration. Should you or your officials have any questions or concerns regarding the contents of this letter, please do not hesitate to contact the NWMB.

² See Table 2 in DFO. 2015. Abundance estimates of narwhal stocks in the Canadian High Arctic in 2013. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2015/046.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Shewchuk". The signature is fluid and cursive, with the first name "Daniel" written in a larger, more prominent script than the last name "Shewchuk".

Daniel Shewchuk
A/Chairperson of the
Nunavut Wildlife Management Board

Enclosures (1)

Appendix 1 – Summary of Eclipse Sound and Admiralty Inlet narwhal public hearing party positions and arguments

Fisheries and Oceans Canada

Position: Supports increasing the total allowable harvest for the Admiralty Inlet management unit from 233 to 389 and decreasing the total allowable harvest for the Eclipse Sound management unit from 236 to 134.

Evidence/Arguments:

- Total Allowable Landed Catch science recommendations for narwhal stocks were calculated based on the 2013 High Arctic Cetacean Survey. These recommendations include an increase to the narwhal harvest in Admiralty Inlet and a decrease to the narwhal harvest in Eclipse Sound (Fisheries and Oceans Canada Proposal for Decision, p. 3).
- In order for the Fisheries and Oceans Canada Scientific Authority to issue a positive non-detriment finding for the Eclipse Sound narwhal stock and therefore maintain the ability for Pond Inlet to internationally export narwhal tusks and other products, the total allowable harvest for Eclipse Sound of 236 would need to be reduced to 134 (Fisheries and Oceans Canada Proposal for Decision, p. 2).
- Continuing to manage Eclipse Sound and Admiralty Inlet narwhal as separate stocks is the most conservative approach given the uncertainty regarding connectivity and mixing of narwhal in these two areas. If they are two distinct stocks, continuing to manage them separately would avoid a potential overharvest (Public Hearing Transcript, p. 53).
- Community concerns regarding the two-tag system would be best addressed during the NWMB's review of the Integrated Fisheries Management Plan for narwhal in the Nunavut Settlement Area, after the 2017/18 harvest season (Public Hearing Transcript, p.274).

Nunavut Tunngavik Incorporated

Position: Recommends deferring a decision on the total allowable harvest for the Eclipse Sound management unit until the results of the most recent 2016 aerial survey are available.

Evidence/Arguments:

- Under the Nunavut Land Claims Agreement, a "stock" to which a total allowable harvest is applied must be a biologically self-sufficient group. Fisheries and Oceans Canada does not have enough information to establish Admiralty Inlet and Eclipse

Sound narwhal as two separate stocks (Nunavut Tunngavik Incorporated written submission, p. 1).

- The Baffin Bay narwhal population is estimated to number approximately 140,000 and no conservation concern has been identified for this population. Any significant change in management should be commensurate with ~~the level of risk to this narwhal~~ population and should be informed by both scientific information and Inuit knowledge (Nunavut Tunngavik Incorporated written submission, p. 5)
- Based on aerial surveys conducted by LGL Limited from 2013-2015, "there were not detectable changes in the spatial-temporal pattern of narwhal occurrence in their summering areas and no significant changes in their relative abundance from year-to year" (Nunavut Tunngavik Incorporated written submission, p. 5).
- Potential limitations on the sale of narwhal products should not be a consideration in the NWMB's decision-making (Public Hearing Transcript, p. 120).
- Narwhal in Eclipse Sound and Admiralty Inlet are a single summering stock (Public Hearing Transcript, p. 296).

Qikiqtaaluk Wildlife Board

Position: Recommends deferring a decision on Eclipse Sound until the results of the most recent 2016 aerial survey are available and compared with previous studies conducted by Fisheries and Oceans Canada and LGL Limited. Supports the proposed increase to the total allowable harvest for Admiralty Inlet narwhal.

Evidence/Arguments:

- Surveys of Eclipse Sound narwhal conducted by LGL limited in 2013-2015 indicate that the population has been stable and there have not been changes in density or abundance. The 2013 aerial survey conducted by Fisheries and Oceans Canada could have been affected by daily movements of narwhals and reactions to killer whales or ships (Qikiqtaaluk Wildlife Board written submission, p.1).
- The abundance estimate for the Baffin Bay narwhal population is over 140,000 and Inuit harvest less than 1% of the population. As such, there is no conservation concern with this population (Qikiqtaaluk Wildlife Board written submission, p.3).
- Narwhal in Admiralty Inlet and Eclipse Sound are a single summering stock. Combining the Admiralty Inlet and Eclipse Sound narwhal management units into a single management unit should be considered after further consultation (Public Hearing Transcript, p. 144; Qikiqtaaluk Wildlife Board written submission, p.3).

Mittimatalik Hunters and Trappers Organization

Position: Recommends deferring a decision until the results of the most recent 2016 aerial survey are available. Further recommends combining the Admiralty Inlet and Eclipse Sound management units into a single management unit and eliminating two-tag system.

Evidence/Arguments:

- Narwhal often move to different places and do not always return to the same channels, sounds or inlets. Narwhal go back and forth between Arctic Bay and Pond Inlet (Public Hearing Transcript, p. 195).
- More information, including narwhal movements and killer whale predation, is needed before a change is made to the total allowable harvest for Eclipse Sound narwhal (Public Hearing Transcript, p. 199).
- The abundance estimate for Eclipse Sound narwhal produced by the 2013 High Arctic Cetacean Survey was affected by the presence of killer whales, which caused narwhals to go elsewhere (Public Hearing Transcript, p. 206).

Ikajutit Hunters and Trappers Organization

Position: Does not support a decrease to the total allowable harvest for the Eclipse Sound management unit. Recommends eliminating two-tag system.

Evidence/Arguments:

- The current two-tag system and harvest season dates affect hunter safety and migratory tag use due to changing weather conditions. The narwhal harvesting season in Arctic Bay should take place from May 1st to September 30th with no separate migratory and summer seasons (Ikajutit Hunters and Trappers Organization written submission, p.1).
- Narwhal in Eclipse Sound and Admiralty Inlet are a single stock that move back and forth between the two areas (Public Hearing Transcript, p. 263).

Qaujimaniliit

Position: Noted that narwhal move around and do not always return to the same place. Also noted that narwhal are not decreasing.

Evidence/Arguments:

- All wildlife have high and low peaks due to movements to different areas from year-to-year (Public Hearing Transcript, p. 379).
- Narwhals don't have a specified home and they will not stay in one place (Public Hearing Transcript, p. 379).



May 12th 2017

The Honourable Dominic LeBlanc
Minister of Fisheries, Oceans and the Canadian Coast Guard
15th Floor, Centennial Towers
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Minister LeBlanc:

Re: Fisheries and Oceans Canada's request to adjourn the decision-making process regarding proposed changes to the levels of total allowable harvest for the Eclipse Sound and Admiralty Inlet narwhal stocks

On May 10th 2017, the Nunavut Wildlife Management Board (NWMB or Board) held a decision-making meeting via teleconference (INT004-2017) to consider a May 4th 2017 request from Fisheries and Oceans Canada to adjourn the *Nunavut Agreement* Article 5 decision-making process concerning proposed modifications to total allowable harvests for Eclipse Sound and Admiralty Inlet narwhal. After reviewing the reasons provided by your department for the request, as well as the potential impacts of such an adjournment on the communities of Arctic Bay and Pond Inlet, and the procedural fairness steps that the NWMB would be required to take if the Board were to adjourn the decision-making process for the reason requested, the NWMB made the following decision:

MOVED that – as the result of a May 4th 2017 written request from the Department of Fisheries and Oceans Canada – the NWMB temporarily adjourn the co-jurisdictional decision-making process under Article 5 of the Nunavut Agreement concerning proposed modifications to total allowable harvest levels for the Eclipse Sound and Admiralty Inlet narwhal stocks, until such time as:

1. The NWMB writes to the hearing parties, inviting written submissions concerning Fisheries and Oceans Canada's request to adjourn the Nunavut Agreement decision-making process regarding proposed changes to the levels of total allowable harvest for Eclipse Sound and Admiralty Inlet narwhal stocks until the results of the 2016 aerial survey of Eclipse Sound are available; and
2. The NWMB carefully considers the reasons for adjournment set out in the May 4th 2017 written request, and all written submissions filed by hearing parties, and makes one or more further decisions as to the way forward.

The NWMB noted that Fisheries and Oceans Canada staff have sought support from Nunavut Tunngavik Incorporated and the Qikiqtaaluk Wildlife Board and reported that both organizations expressed support. However, given the significant impact the proposed adjournment could have on the communities of Arctic Bay and Pond Inlet, the NWMB believes that the legal requirements of procedural fairness necessitate the opportunity for all hearing parties, including the Ikajutit and Mittimatalik Hunters and Trappers Organization, to provide input into this decision. As such, the NWMB has decided to extend the deadline to respond to the Board's initial decision until such time as this procedural fairness requirement can be met, and the NWMB makes a decision on the proposed adjournment. The NWMB intends to write to all hearing parties inviting written submissions on the proposed adjournment as soon as reasonably possible.

The NWMB would also like to express its disappointment in the approach that Fisheries and Oceans Canada has taken with regards to the available information concerning Eclipse Sound and Admiralty Inlet narwhal. The Board's mandate is to make management decisions based on the best available information, both scientific and *Inuit Qaujimajatuqangit*, however, recognized deficiencies in the available information, as well as concerns raised by the communities regarding these deficiencies, should ideally have been assessed and taken into more careful account before the *Proposal for Decision* was submitted to the NWMB.

Should the NWMB decide to proceed as requested by the Department, the Board anticipates that this would considerably delay decision-making, and result in substantial additional consultation costs for Fisheries and Oceans Canada and hearing costs for the NWMB and the hearing parties. The NWMB hopes that, in the future, Fisheries and Oceans Canada will take careful note of information gaps and make every effort to address those gaps before initiating the *Nunavut Agreement* decision-making process.

Following the deadline for written submissions concerning Fisheries and Oceans Canada's adjournment request, the NWMB will provide further correspondence with decisions on the request as well as next steps. If you or your officials have any questions with respect to the contents of this letter, please do not hesitate to contact the NWMB at your convenience.

Sincerely,



Daniel Shewchuk
A/Chairperson of the
Nunavut Wildlife Management Board

- c.c. Dale Nicholson, A/Regional Director General, Central and Arctic Region, Fisheries and Oceans Canada;
Scott Gilbert, Regional Director, Ecosystem and Fisheries Management, Fisheries and Oceans Canada;
Stefan Romberg, Senior Resource Management Officer, Fisheries and Oceans Canada; and
Larry Dow, Director of Northern Operations, Fisheries and Oceans Canada.

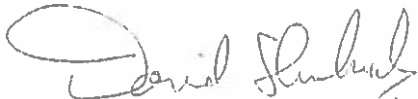
MOVED that the NWMB adjourn the Nunavut Agreement decision making process regarding proposed changes to the Total Allowable Harvest levels for the Eclipse Sound and Admiralty Inlet narwhal stocks until such time as:

- 1. The results of the 2016 aerial survey are peer reviewed and available;*
- 2. Fisheries and Oceans Canada completes adequate consultations, and if appropriate, accommodations, with the affected communities about the 2016 aerial survey results; and*
- 3. Fisheries and Oceans Canada considers all best available scientific and Inuit Qaujimajatuqangit information about Eclipse Sound and Admiralty Inlet narwhal stocks in their analyses, and consultations with affected communities in the Minister's reply to the NWMB's initial decision of March 20th 2017.*

The Board understands that this decision will delay the finalizing the total allowable harvest levels of narwhal for the communities of Pond Inlet and Arctic Bay, and result in additional consultation costs for Fisheries and Oceans Canada and hearing costs for the NWMB and the hearing parties but anticipates that the adjournment is in the interest of conservation. The NWMB encourages Fisheries and Oceans Canada to make best efforts to ensure the reconvened decision making process can be completed in time for the 2018-19 narwhal harvest season.

Mr. Minister, the NWMB is hereby forwarding its decision to you, for your consideration pursuant to the terms of the *Nunavut Agreement*. If you or your officials have any questions with respect to the contents of this letter, please do not hesitate to contact the NWMB at your convenience.

Sincerely,



Daniel Shewchuk
A/Chairperson of the
Nunavut Wildlife Management Board



Fisheries and Oceans
Canada
Central and Arctic Region
520 Exmouth Street
Sarnia, Ontario
N7T 8B1

Pêches et Océans
Canada
Région du centre et de l'arctique
520 rue Exmouth
Sarnia (Ontario)
N7T 8B1

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

Dear Mr. Shewchuk:

RE: Nunavut Wildlife Management Board Decision to Accept DFO's Request

Thank you for your correspondence of June 28, 2017 regarding the Nunavut Wildlife Management Board's (Board) decision to accept the Department's request, and adjourn the decision-making process regarding proposed changes to the total allowable harvest levels for the Eclipse Sound and Admiralty Inlet narwhal stocks.

I appreciate both the Board's willingness to accommodate the Department's request, and the procedural fairness it applied in its decision to *"adjourn the Nunavut Agreement decision-making process regarding proposed changes to the Total Allowable Harvest levels for the Eclipse Sound and Admiralty Inlet narwhal stocks until such time as (1) The results of the 2016 aerial survey are peer reviewed and available; (2) Fisheries and Oceans Canada completes adequate consultations, and if appropriate, accommodations, with the affected communities about the 2016 aerial survey results; and (3) Fisheries and Oceans Canada considers all best available scientific and Inuit Qaujimajatuqangit information about Eclipse Sound and Admiralty Inlet narwhal stocks in their analyses, and consultations with affected communities in the Minister's reply to the NWMB's initial decision of March 20, 2017."*

In my view, the conservation benefit resulting from this approach will outweigh the additional financial cost to our two organizations. Fisheries and Oceans Canada will continue to work with all of the Nunavut wildlife co-management organizations, including community engagement as required, with the objective of completing this decision making process in advance of the 2018-19 narwhal harvest season in Eclipse Sound and Admiralty Inlet.

Sincerely,

Scott Gilbert
A/Regional Director General
Fisheries and Oceans Canada
Central and Arctic Region

cc: Paul Irngaut, Director of Wildlife and Environment, NTI
Jason Mikki, Executive Director, QWB
Stefan Romberg, Resource Management, DFO Ottawa
Scott Gilbert, Regional Director, Fisheries Management, DFO Central & Arctic Region
Larry Dow, Director of Northern Operations, DFO Central & Arctic Region
Allison McPhee, Patt Hall (Resource Management, DFO Central & Arctic)