

**NWMB COMMENTS & REQUESTS FOR THE GN CONCERNING  
THE LIST OF TOTAL ALLOWABLE HARVESTS AND NON-  
QUOTA LIMITATIONS IN CONTENTION BETWEEN THE GN AND NTI**

Department of Environment responses to the questions and comments are inserted

1. Is the NWMB list of provisions in contention accurate and complete? If it is not, please modify it accordingly.

*DOE Response: This list appears complete at the time it was prepared, but some matters have been withdrawn, revised, or resolved since the list was created, and they may or may not still be in contention. This includes TAHs for grizzly bears and wolverine, usage of traditional weapons for small game, geographic restrictions for harvesting muskoxen and wolverine, and some previously proposed seasons.*

2. Please indicate any areas where the GN can be flexible and/or believes it can work with NTI (and the NWMB) to find a mutually-acceptable solution.

*DOE Response: The Government of Nunavut is flexible whenever possible, recognizing that it has an obligation to manage wildlife responsibly. We have shown a willingness to consider other viewpoints and have made a number of adjustments to the proposed regulations based on our consultations and discussions. A number of proposed regulations/orders have been withdrawn or revised based on feedback from NTI, NWMB, and HTOs and RWOs*

3. Please prioritize the list.

*DOE Response: While it could be said that some of this subject matter is more important, or a higher priority, than other parts, it is not really possible to prioritize the list. The project is charged with the creation of a complete and well rounded wildlife management system, and the outstanding or contentious issues are integral parts of that system. Certainly restrictions on the harvest of such species as Porsilds Bryum could be seen to be less important than those on more commonly recognized large mammal species, but that does not make their management less of a priority.*

4. Have Inuit have been consulted on all of the provisions under discussion? If so, please provide details of the consultations (Where, when, with whom, responses, etc).

*DOE Response: Regional consultations were conducted on October-November 2005. A consultation report has been prepared and submitted to the NWMB.*

5. With respect to the TAHs (and the prohibition on Porsild's Bryum), does the GN have reliable scientific and (where applicable) IQ evidence concerning:
- (a) The number of populations in Nunavut,
  - (b) The numbers in each population,
  - (c) Reproduction rates in Nunavut,
  - (d) The "at risk" status of the species outside Nunavut,
  - (e) Whether the species is, or should be considered, at risk in Nunavut,
  - (f) Numbers currently harvested from each population, and
  - (g) Whether the numbers currently harvested are equal to or greater than the proposed TAH?

*DOE Response: With respect to Porsild's Bryum, we have little scientific evidence on this species to date. Given the minimal interest in harvesting the species, we have proposed a precautionary approach and do not have any concern with the Board's possible decision.*

*Evidence for all other species under discussion is included in the TAH Report. It is recognized and acknowledged that in many cases this information is not as complete as we (or other parties) would like it to be, but that is likely to be a permanent situation, as there will always be limited information available.*

*With the exception of some project and species specific IQ studies, there is very limited IQ evidence readily available, and no organized or coordinated effort to gather it. In most cases our available and applied IQ comes from discussions with hunters and HTOs, and this is referenced in the TAH report.*

- b) Populations estimates are provided in the TAH report.*
- c) Reproductive are not always provided in the TAH report, but are primarily known from previous research and are either included in the literature cited, or can be provided on request.*
- d) There have been or are proposals for several of our species to be listed as at risk, but this has not yet taken place.*
- e) The necessity for listing any of our wildlife species as at risk has not yet been fully assessed. Indeed, that is a function of the Nunavut Species at Risk Committee which at this point has not yet been struck.*
- f) In most cases there is limited or incomplete information on the present levels of harvest. Collection of harvest data is generally project and species specific.*
- g) It is not known with accuracy if the proposed TAH levels may be higher or lower than present harvest levels. The TAH levels are based on biological factors and as such are within our mandate to assess and recommend. There no ongoing source of harvest data that could be relied upon for accurate harvest levels.*

6. If the GN has reliable evidence of (a) to (g), please fully provide it to the NWMB and NTI.

*DOE Response: Please see the TAH Report and discussion in Question 5.*

7. Where the GN's evidence is incomplete or appears to be otherwise insufficient to meet the test under NLCA S.5.3.3, consider as an initial step:
  - (a) No TAH (or prohibition) be established at this time,
  - (b) Mandatory reporting of harvests be required, and
  - (c) The GN apply for funding under the NWRT to help carry out the research needed to gather the necessary information.

*DOE Response: We have given all these suggestions consideration and in some cases have adjusted our recommendations accordingly, or have otherwise taken these and other steps. However, it should be mentioned that "the test" under NLCA Section is not defined, and is of course subjective. What constitutes a restriction that is "necessary to effect a conservation purpose" can, as has been demonstrated, mean different things to different views.*

8. As a follow-up step, please be assured that the NWMB would be willing to re-visit any of the proposed TAHs whenever the GN felt it necessary.

*DOE Response: Noted, thank you.\**

9. With respect to the TAH for grizzly bear, the NWMB's position regarding the application of s.24 of the *Nunavut Act* is that the Board is only concerned whether or not there is a conservation reason justifying a limitation on the harvest. The NLCA does not provide the Board with any jurisdiction to consider the use to which a harvested animal will be put (for instance, food, clothing, shelter, etc.).

*DOE Response: This is recognized, but note that the GN is not proposing a TAH on Grizzly bears at this time, so this issue is less critical or controversial.*

10. The establishment of a TAH for birds of prey not currently or generally harvested by Inuit may be perceived as a "target" number – thus inadvertently encouraging a higher harvest than there would be if no TAH were established. (Note also that, during the summer of 2005, the GN and NTI had agreed to proceed only with a falcon TAH Order – but the GN unilaterally changed its mind in September.)

*DOE Response: Noted, thank you.\**

11. With respect to the proposed prohibition on Porsild's Bryum:
  - (a) The NWMB is likely to designate the moss as a species of special concern only, and
  - (b) In just a 4-day period, Parks Canada researchers recently looked for Porsild's Bryum in one small location in Nunavut – and located several new sites, mini-sites and colonies within that short period of time.

*DOE Response: Noted, thank you.\**

12. Where the numbers of a species currently harvested are not presently subject to a quota and are less than the proposed TAH, the NWMB may find it unacceptable to establish a TAH under such circumstances: If the amount Inuit are harvesting to meet their present needs level is less than the total that can be harvested without raising a conservation concern, there is no need or justification under the NLCA to establish a TAH.

*DOE Response: This is noted, but it should be recognized that a potential for an increase harvest always exists, and (particularly for long lived and slower reproducing species) an increase in harvest can, in a short period of time, cause a fast decline in population size. An increase in harvest can occur for many reasons, but a common one is commercialization. It is noteworthy that in the previous wildlife management regime there were very tight conditions under which wildlife could be sold, and this was therefore a built-in limitation on the amount of wildlife that would likely be harvested. The present wildlife management regime is the opposite with regard to commercialization, and individuals exercising their right to harvest and dispose freely of wildlife may increase harvest levels in response. Our abilities to monitor sales, and respond quickly with necessary conservation restriction, may be limited, so establishing TAH levels within conservation limits – even if they are above present harvest levels that don't impact Inuit harvesters - is a valid conservation purpose.*

13. TAHs for any species that Article 40 Aboriginal people (Nunavik Inuit, the Dene of northern Manitoba and Saskatchewan, Aboriginal people of the eastern Northwest Territories) have a right to harvest must include a basic needs level (BNL) for that Aboriginal people, separate from any BNL for Inuit (NLCA S.40.2.5, 40.3.3, 40.4.2 and 40.5.2). To date, the NWMB has not been provided any information from the GN regarding consultations with Article 40 Aboriginal people, their levels of harvest, or proposed portions of the various GN-proposed TAHs to be allocated to them. The NWMB will need such information prior to deciding on any TAHs shared between Inuit and Article 40 Aboriginal people.

*DOE Response: This has been done recently, in cooperation with NWMB, but to date no responses have been received.*

14. For wolverine and muskox, please provide sufficient evidence to justify establishing geographic non-quota limitations (management areas) under NLCA S.5.3.3.

*DOE Response: DOE has withdrawn the recommended TAH on wolverine at this time. Justifications for various muskox TAHs are provided in the TAH Report, and a number of changes have been made to the management approach, such as removing some proposed areas of no harvesting*

15. For gyrfalcon, wolverine, muskox and Arctic wolf, please provide sufficient evidence to justify establishing seasonal non-quota limitations (closed seasons) under NLCA S.5.3.3.

*DOE Response: Our recommendations for wolverine and Arctic wolf NQLs have been withdrawn; justification for gyrfalcon and muskox NQLs are provided in the TAH report.*

16. Please explain the process to be followed in enforcing the prohibition on harvesting game contrary to the 3 IQ principles (s.9. *Harvesting Regs*). In particular, please respond to the NTI hypothetical that a Qallunaat Wildlife Officer, unfamiliar with IQ principles, could be in a position to decide whether or not to charge an Inuk with the offence of harvesting game contrary to one or more of the IQ principles.

*DOE Response: The IQ principles in question are defined in the Wildlife Act that was supported by both NTI and NWMB. Our officers, both Inuit and non-Inuit, are aware of these definitions and are guided by them. Senior Inuit officers are available to provide guidance should any non-Inuit officers have questions or concerns.*

*\* In several instances, you have provided comments rather than questions. We do not have a response at this time in relation to the draft regulations and orders. However, the subject matter is of great importance and interest, and we are interested in further discussion on these and other related issues.*