

Draft Regulations and Orders under the *Wildlife Act* (Nunavut): Summary Report of the Consultations and Submissions

Introduction

In December 2003 the Legislative Assembly passed the *Wildlife Act* (Nunavut). From 2003 to 2005 the Wildlife Legislation Working Group worked to prepare the draft regulations and orders necessary for this act to function. Drafts were completed by the spring of 2005.

The Wildlife Legislation Working Group included a representative from each of the three Regional Wildlife Organizations (RWO), to ensure that their interests were represented, and that they were active participants throughout the process. However, it was recognized that more involvement and opportunity for input from Hunters and Trappers Organizations (HTOs) was necessary. To achieve this a targeted HTO and RWO consultation effort was planned and undertaken in 2005.

Copies of the draft regulations and orders were provided to the HTOs in the spring of 2005, and additional copies were provided to them in September 2005. It was recognized that due to the volume and sometimes technical nature of the material, HTOs would require some support and assistance in reviewing and understanding the material. With this in mind, the department conducted a series of regional workshops as a means of providing information to the representatives of the HTOs. Any questions would be answered, and any specific comments the representatives had would be recorded, but primarily the purpose was to provide information and assist the HTOs with their understanding of the material.

Workshop content, format, and conduct

The Workshops took place on the following dates:

- Kitikmeot – October 18-20, in Cambridge bay
- Klvalliq – October 25-27, in Rankin Inlet
- Qikiqtaaluk – October 30-November 1, in Iqaluit

The delegates had been provided with summary versions and full text versions of the draft regulations and orders. An introductory presentation described the purpose, process, and workshop goals, but the main body of the workshops was a line-by-line review of all of the summary versions of the proposed regulations and orders. The presentations and discussions took place in Inuktitut/Innuinaqtun and English, as appropriate. During the presentations the delegates asked questions, sought clarification, or provided comments as the material was reviewed.

For each topic, representatives of NTI or the NWMB provided their organization's perspective and answered any questions, or responded to any comments, that

the delegates had. Often the NTI and NWMB representatives provided clarification or additional input throughout the workshop.

What the delegates said:

In general, the workshops were a provision of information, answering of questions, and explaining concepts. Much of the time was spent explaining matters that are already in legislation or regulations, and not on new materials or regulations that are being proposed. A large portion of the workshop time was spent with delegates making comments and otherwise describing wildlife issues and concerns that are not subject to regulation, or that do not require any regulatory response. Those discussions and general comments are not reported as they do not relate to the draft regulations and orders.

The following are the general and specific concerns that were raised about the process and the draft regulations and orders. The section numbers referenced below are as per the most recent drafts. The response of the Department of Environment to each of the comments is in italics below each suggestion

- 1) In all three workshops, delegates expressed concern that the time frame for the workshop, and the overall process, was too short.

The workshops were intended to be informational, and not to seek decisions from the delegates. The upcoming NWMB NQL and TAH workshop would provide additional opportunities for feedback, and the NWMB decision-making process would provide additional opportunity.

- 2) The Kitikmeot delegates did not support the establishment of a TAH for wolverine. In general, they reported increased numbers of wolverine.

The department is not proposing that a TAH be established on wolverine at this time.

- 3) The Kitikmeot delegates noted that several caribou population had their calving areas proposed for designation as conservation areas, but not all. They asked why the calving grounds of all caribou herds are not proposed for some degree of protection.

The calving areas proposed for protection as Conservation Areas already exist in legislation, and the proposal is to continue them. There remains substantial research and consultation work required to delineate and justify additional areas.

- 4) Delegates in all three workshops did not support a prohibition on the killing of ravens.

The department is not proposing a prohibition on the killing of ravens.

- 5) Kivalliq delegates expressed concern that the proposed TAH levels for grizzly bear are too low given the number of communities/hunters.

The department is not proposing that a TAH be established on Grizzly bears at this time.

- 6) Kivalliq delegates suggested that instead of a prohibition on killing bears of a certain age, that size be used as the criteria.

As per the polar bear MOUs that have been agreed to by all HTOs, the protections are for family groups of polar bears, and the age of a bear cub is used in defining what constitutes a family group. The age or size of the cub is not particularly relevant, as the protection is for the family group.

- 7) Some Kivalliq delegates feel that there should be no restrictions on the use of vehicles for sport hunting of polar bears.

The restriction on the use of vehicles for sport hunting polar bears is a necessary requirement to implement Canadian obligations under the terms of the International Agreement for the Protection of Polar Bears and Their Habitat.

- 8) Most Kivalliq delegates did not support the proposed muskoxen management approach of only conducting harvesting inland in order to support the population range expansion.

The department has revised the proposed population's delineation and approach to muskoxen management to reflect the preferences of the Kivalliq HTOs. Specifically, the current proposed system will allow harvesting of muskoxen in any part of a geographic population, and not be restricted to inland areas.

- 9) One delegates suggested that the exemption limit of 20 kg of meat found in Section 24 of the Licences and Tags Regulations should be raised. No number was suggested.

The regulations have taken a generally relaxed approach to export, trade, and traffic in smaller personal use quantities of wildlife products. A transaction of more than 20kg is judged to be coming closer to a commercial scale, possibly resulting in some increase in harvesting. Monitoring transactions at this level will provide additional information for wildlife management decision-making processes.

- 10) Several delegates suggest that there should be a maximum of one sport hunter per big game guide, not two, as if proposed in Section 29(6) of the Licences and Tags Regulations.

In present regulations this is species specific – for caribou there is a maximum of two hunters per guide, for muskoxen and polar bear there is a maximum of one hunter per guide. In practice outfitters often have additional guides or assistant guides accompany sport hunters – in excess of the level required by legislation. The department feels that outfitters should be able to determine the appropriate ratio of guides to hunters (1:1 or 1:2) depending on the species, season, and the type of hunt they are marketing.

- 11) One delegate suggested that the open season for Gyrfalcon harvesting should begin on August 15, as they are flying then.

As per the TAH report recommendations, for conservation reasons the proposed open season for harvesting gyrfalcon is September 1 to October 31.

- 12) One delegate stated that the Muskoxen season should be open all year.

As per the TAH report recommendations, for conservation reasons there is a proposed closed season for several muskoxen populations. It is noteworthy that for certain populations it is not felt that a closed season is necessary.

- 13) One delegate recommended that only male falcons be harvested for sale.

As per the TAH report recommendations, there is not felt to be any conservation reason for sex selectivity of gyrfalcon. However it should be noted that for conservation reasons there is a proposed restriction that harvesting be limited to birds that are less than one year of age (“fall passage birds” or “screamers”).

- 14) Several delegates stated that hunters should be paid for all specimens that they are required to submit (not just specimens from polar bears).

The department at present does not have the finances to pay for all necessary samples. It should be noted that these samples are necessary to gather important biological information about harvested animals. This information is made available to decision makers – HTOs, RWOs, NWMB, and government – to support more effective wildlife management in Nunavut. It is therefore expected that all parties, hunters included, will recognize this and work cooperatively for wildlife management.

- 15) Several delegates expressed concern that individual hunters would have to keep records for 5 years.

This was a misunderstanding. There is no such requirement proposed.

- 16) One delegate asked if wolverine harvesting season could open earlier to take advantage of sport hunting opportunities.

As per the TAH report recommendations, for conservation reasons it is recommended that there be seasons established for wolverine in populations W/01 and W/02, but that there is no conservation necessity to have a closed season in W/03.

- 17) Much concern was raised in the Qikiqtaaluk region over the possibility of verbal assignments, which are recognized as valid by the *Wildlife Act*.

The Wildlife Act, which was passed after extensive consultations and was supported by all HTOs, recognizes that verbal assignments are valid and can be exercised by Inuit.

- 18) The Sanikiluaq delegate stated that the proposed annual harvest limit of 5 reindeer for non-Inuit residents is too high, and should be 0 for all non-Inuit.

As per the TAH report recommendations, there does not appear to be any conservation reason to establish a TAH for Belcher Islands Reindeer, and also no conservation necessity to establish an annual harvest limit for resident, non-resident, and non-resident foreigner hunters. It is recognized that there is a shortage of research and other information on this population.

- 19) Several delegates expressed concern over the prohibition on the usage of dogs to hunt some big game (caribou, muskoxen) and thought this may restrict traditional activities.

Using dogs in the harvest of big game is prohibited at present. In general, canids tend to harass and weary ungulates, causing stress and affecting survival and reproduction. Their usage in hunting big game is generally prohibited for this reason across North America. It is difficult to assess what impact allowing this practice may have on Nunavut ungulate populations. On a precautionary basis it is recommended that the prohibition remain in place.

- 20) One delegate stated that the minimum caliber for large big game, as per Section 8(5) of the Harvesting Regulations, should be .222 or .223.

Larger and dangerous animals are, in general, more difficult to kill and for humane harvesting and public safety reasons it is recommended that the minimum size firearm for these species be .243 caliber or 6mm.

- 21) One delegate asked that the minimum draw weight for bows be reduced to support the training of younger hunters who may not be able to handle a larger bow.

The proposed minimum draw weight for bows is based on standards that are applied in other Canadian jurisdictions. The minimums are established on the basis of ensuring a faster kill, and as such are for humane harvesting and public safety purposes.

- 22) A number of delegates expressed concern that a 6 hour waiting period for polar bear sport hunters (as described by Section 13(1) of the harvesting regulations) is too long. No reason was given and no alternative was suggested.

In present legislation there is a restriction on the use of vehicles for sport hunting polar bears. This is a necessary requirement to implement Canadian obligations under the terms of the International Agreement for the Protection of Polar Bears and Their Habitat.

The legislation does allow the usage of vehicles as transportation to a hunting area, from where hunting must be done by dog team or on foot. In recent years some outfitters have been using vehicles for transportation for polar bear sport hunting, but under circumstances where the vehicles are in effect being used to hunt from, or otherwise provide advantage to the hunt, contrary to legislation and the International Agreement. The waiting period is proposed to bring clarity to the sport hunting rules, and to support compliance with the legislation and the International Agreement.

- 23) Delegates from Grise Fiord and Resolute Bay did not support a closed season on high arctic wolves.

The department is not proposing that there be a closed season for any wolf populations.

- 24) The delegate from Grise Fiord did not support the delineation of muskoxen populations on southern Ellesmere Island. It was stated that the way these are presently managed is not supported by the community, and that a single population should be recognized, not three smaller ones.

The department has revised the proposed populations delineation and approach to muskoxen management to make reflect the preferences of the Grise Fiord HTO. Specifically, the current proposed system contains a single population (MX/05-GF, comprised of what was previously three populations) on the southern part of Ellesmere Island.