

NUNAVUT WILDLIFE MANAGEMENT BOARD

MINUTES: SPECIAL MEETING No. 6

IQALUIT, 11-12 AUGUST 1997

JOINT MEETING WITH MAKIVIK REPRESENTATIVES

PARTICIPANTS:

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| Ben Kovic | NWMB – Chairperson |
| Gordon Koshinsky | NWMB – Member |
| Malachi Arreak | NWMB – Member |
| Kevin McCormick | NWMB – Member |
| David Aglukark | NWMB – Member |
| Meeka Mike | NWMB – Member |
| Harry Flaherty | NWMB – Member |
| David Igutsaq | NWMB - Member |
| Jim Noble | NWMB – Executive Director |
| Dan Pike | NWMB – Director, Wildlife Management |
| Michael d'Eça | NWMB - Legal Advisor |
| Rebecca Mike | NWMB – Assistant Director, Wildlife Mgmt |
| Johnny Peters | Makivik- Second Vice-President |
| Stas Olpinski | Makivik- Head, Renewable Resource Dev. |
| Lorraine Brooke | Makivik - Advisor |
| Mark Papigatuk | Makivik/HFTA Member |
| Marc Allard | Seaku/Makivik – Seaku General Manager |
| David Mablick | NTI - Manager, Wildlife Mgmt & Environment |
| Paul Okalik | NTI – Legal Advisor |
| Alan Braidek | NTI – Legal Advisor |
| Lazarus Arreak | QIA – President |
| Paul Crowley | QIA – Legal Advisor |
| Johnny Nowdlak | QWB – Secretary/Treasurer |
| Joanasie Akumalik | QWB – Executive Director |
| John Curley | Cape Dorset HTA |
| Jerry Ell | QC - President |
| Johnny Mike | QC – Member |
| Peter Keenianak | QC – Fisheries Coordinator |
| Reporters | CBC – Iqaluit |

Monday, 11 August 1997

1. Opening by Chairperson

Ben Kovic convened the meeting at 9:00 A.M. David Aglukark led the opening prayer. Ben welcomed the participants to Iqaluit. As host for this event, Ben volunteered to serve as Chairperson for the meeting. This offer was accepted.

Ben expressed his pleasure and satisfaction that this joint meeting, which had been under discussion for some time, was now a reality. He characterized the meeting as a familiarization and fact-finding opportunity rather than as a negotiating session. Participants were asked to introduce themselves.

2. Review and Approval of Agenda

The agenda was accepted as presented.

3. Obligations Under NLCA Article 40 Part 2

The NWMB's Legal Advisor, Michael d'Eça, opened the discussion on this item. Michael noted that Article 40 ("Other Aboriginal Peoples") Part 2 ("Inuit of Northern Quebec") deals primarily with the relationship between the Inuit of Nunavut and the Inuit of Nunavik. NWMB's authority for wildlife management in areas traditionally used and occupied by these two "Groups" derives from Article 5, which is "transported" in part to Article 40. Joanasie Akumalik asked if the other legal advisors present had the same interpretation of Article 40. Alan Braidek of NTI and Paul Crowley of QIA agreed with Michael d'Eça's interpretation.

Johnny Peters noted that his portfolio with Makivik includes responsibility for overlap issues with the Nunavut Settlement Area. He suggested that both "groups" could work very well together as Inuit, without need for external complications. He advised that two aspects remain active in Makivik's present land claim negotiations: offshore issues and funding. Johnny noted that the Quebec Government does not provide assistance to Makivik in respect to offshore areas or islands.

Joanasie Akumalik asked for clarification of the definition of "Group" in NLCA Article 40. Michael d'Eça advised that Article 40 defines "Group" as the Inuit of Nunavut or the Inuit of Northern Quebec (Nunavik). In most instances, the Inuit of Nunavut would be represented by NTI, and the Inuit of Nunavik by Makivik. Kevin McCormick asked what modifications to NWMB operations might be brought into effect by conclusion of the Northern Quebec Inuit Offshore Land Claims Agreement. Michael indicated that this could not be answered yet, but agreed that the matter is of considerable interest and importance. Hopefully the NWMB will be asked for input, or at least be advised, during the course of the current claims negotiations. The NLCA makes specific provision (40.2.15) for the Inuit of Nunavut and the Inuit of Nunavik to jointly decide on "appropriate permanent wildlife.... management regimes for the Areas of Equal Use and

Occupancy”, “in association with the conclusion” of the Offshore Agreement. Paul Okalik of NTI suggested that the jurisdictions that will be established for wildlife management under the Agreement will be comparable to those already established for the NSA. Kevin asked if the Offshore Agreement will have provision for harvest studies pertinent to the establishment of BNLs in conjunction with NWMB as per NLCA 40.2.5. Johnny Peters advised that harvest studies are already being done.

Elaboration was requested for NLCA 40.1.3. Michael explained that this provision was meant to ensure that, without the consent of Government, no independent agreements made by the two Groups respecting overlapping interests or claims would not be binding on third parties, including governments.

4. Reciprocal Harvesting Rights

Ben Kovic identified this item as a long-standing concern, which seems to have come to a head in the case of church officials transferring between regions. David Igutsaq has pointed out, as one example, that the people of Taloyoak would like to see their Priest, who is from Northern Quebec, enjoy local hunting rights equivalent to their own. Inuit traditions preclude denying harvesting rights to Inuit from other regions. Ben Kovic observed that this aggravation is likely to increase, with increasing movement of Inuit back and forth between Nunavut and Quebec coastal communities. Mark Papigatuk noted a current reluctance of some people to travel between Nunavut and Nunavik if they are not clear about their hunting rights.

Alan Braidek stated that nothing in the James Bay and Northern Quebec Agreement that provides for Nunavut Inuit to hunt in Nunavik. Johnny Peters stated that while this may be the case, no restrictions are in fact imposed on visiting Inuit in respect to subsistence harvesting in Nunavik. Visiting Inuit have need for food as do resident Inuit, and they are not treated as strangers. Johnny did note that if there is a commercial intent for wildlife usage, such as to accommodate a sport-hunting venture, Inuit from other areas have no inherent rights. He also stressed that considerations of conservation invariably take precedence overall.

Alan Braidek suggested three alternative approaches under the NLCA for addressing some of the concerns which have been expressed:

- By reference to NLCA 40.2.4, which states that “the Inuit of Northern Quebec have the same rights respecting harvesting of wildlife in the marine areas and islands of the NSA traditionally used and occupied by them as the Inuit of Nunavut”.... with noted exceptions.
- By reference to NLCA Article 35, under which Quebec Inuit can apply for enrollment upon conforming with five easy conditions. This would

confer full harvesting rights to an individual, but an individual cannot be enrolled in both Claims simultaneously.

- Alternatively, the NLCA provides that the DIO can enter into agreements on transfer of rights. This avenue could be explored and negotiated.

Malachi Arreak suggested that NLCA 5.7.34 (pertaining to assignment of harvesting rights by an HTO or RWO) might constitute a fourth alternative. Joanasie Akumalik noted that Inuit traditions such as sharing cannot always be reflected in written agreements. He submitted that if Inuit visitors from Nunavut are permitted to hunt in Nunavik, then the converse should also apply. Johnny Peters noted that the James Bay Agreement has provision for enrollment similar to the NLCA; however there is a one-year residency requirement. Harry Flaherty noted that inter-regional harvesting exclusions apply only in respect to species subject to quotas or other harvest restrictions. Alan Braidek noted that there are no restrictions on subsistence harvesting by Nunavut Inuit under the NLCA: an Inuk can harvest and do with the harvest as he pleases. This matter is treated differently under the James Bay Agreement, which does not confer all the same advantages as the NLCA.

Ben Kovic asked if Nunavik women have the same harvesting rights as men, as is the situation in Nunavut. Johnny Peters replied that Nunavik women are not precluded from hunting. Ben noted that within Nunavut in the past, not all communities allowed women to apply for polar bear tags - contrary to the NLCA. Ben also noted that the NLCA provides for the transfer of harvesting rights to a spouse.

Michael d'Eça suggested that the Participants at this Meeting would be within their authority to recommend that their respective land claim agreement organizations establish a working group to develop and review options for (an) arrangement(s) that would address the needs being identified with respect to reciprocal harvesting rights. Johnny Peters agreed with this approach, noting a need for a concrete indication of steps being taken to address this problem. As it is now, there are people who are concerned that they might be charged with illegal hunting. Johnny also stressed the need for adequate Inuit representation on such a working group. David Aglukark pointed out that no agency has been authorized to make any agreements with Nunavik on this or any other matter, but agreed that it would not be out of line for this Meeting to advance recommendations.

Several individuals were identified to develop an appropriate recommendation for the consideration of the Meeting Participants. This effort resulted in the adoption of two recommendations, which are appended to these Minutes as Attachment A.

5. Management Structures and Protocols Subsequent to Conclusion of the Nunavik Offshore Agreement

Lorraine Brook reminded Meeting Participants of the obligation under NLCA 40.2.15 for the Inuit of Nunavut and the Inuit of Northern Quebec to “decide on appropriate permanent wildlife and land and water management regimes for the Areas of Equal Use and Occupancy”. This is to be achieved “in association with the conclusion” of the Northern Quebec offshore agreement. Lorraine suggested that joint wildlife management concerns and opportunities both before and after conclusion of the treaty on the Nunavik Marine Region were all equally legitimate subjects for attention at the present meeting.

Lorraine indicated that there has been concerted effort in the offshore negotiations to achieve parallelism with the NLCA with respect to wildlife management structures and protocols. This has also been the aim with respect to land and water planning and management, and impact review. The most serious issues that remain to be resolved are not wildlife-related. NTI sits as an observer in these negotiations.

Michael d’Eça suggested that NTI and Nunavik actively seek the advice of the NWMB to better inform the negotiations. He suggested that this will not complicate matters since the NWMB has no jurisdiction; however it does have an excellent record along with considerable experience.

Lorraine agreed that it would be appropriate to obtain more NWMB input in the course of the negotiations. Alan Braidek urged attention to (joint) management of inter-regional migratory species, instead of just focussing on Areas of Equal Use and Occupancy. Lorraine noted that Nunavik hopes to achieve agreement-in-principle by autumn.

6. Groundfish Allocations and Licensing

Dan Pike reviewed his briefing note with the Participants. He explained the present controversy with DFO regarding turbot allocations. As part of his briefing, Dan suggested five possible items for discussion at this meeting.

Marc Allard asked what share of the Davis Strait turbot allocation NWMB would deem appropriate for Nunavut. Dan Pike suggested that, based on historical application of adjacency principles elsewhere, 70% to 90% would be appropriate. Johnny Mike called for development of a turbot management plan. He suggested that this would help to avoid conflict among Inuit about turbot allocations. Johnny noted that Inuit do not always benefit as much as they should from the proceeds of turbot allocations. Lazarus Arreak suggested that there should be more emphasis on training Inuit for the turbot fishery.

Joanasie Akumalik expressed pride and satisfaction with the NTI/NWMB initiative against DFO regarding turbot allocations. He asked about the place that had been assigned to turbot at the NWMB January workshop on research priorities. Dan Pike advised that the workshop did not identify turbot as a very high priority item for research.

Gordon Koshinsky predicted that allowable harvest levels for turbot as currently set will become a major issue in the near future. Johnny Nowdlak suggested that research on turbot population size/status is required, along with an assessment of the effects of lost gillnets. Malachi Arreak noted that Greenland may be taking up to 18,000 MT of turbot from their fiords, based on discrete inshore stocks identified through their research. This is in addition to their Davis Strait quota of 5,500 MT. Malachi asked if similar research is being done in Cumberland Sound in an effort to identify a separate turbot stock. Dan Pike indicated that DFO is doing some research in that area, but preliminary indications are that there is no separate stock. Malachi noted that the size of turbot in the catches seems to be decreasing, and suggested that research is needed on this subject. He further noted that shrimp vessels in Hudson Strait are catching only very small turbot, perhaps indicating this to be a nursery area. Atlantic cod were once thought to be well managed, but ended up being very depleted. Inuit would like to see good research done to avoid the same problems with turbot. Dan Pike noted that the NWMB is authorized under the NLCA to identify research requirements, but is not compelled to make such identifications. Most research of the type which has been discussed would need to be done outside the boundaries of the NSA.

Gordon Koshinsky suggested that the Meeting Participants recommend the establishment of a working group to develop options for turbot research, and to produce a research plan for transmittal to DFO. Joanasie Akumalik suggested that the mandate of such a working group be broad enough to encompass the suggested turbot discussion items raised by Dan Pike. Gordon agreed with the need for a mandate that included the full range of issues pertaining to the conduct of the fishery. Even the development of a comprehensive research plan would require such a broad perspective. Ben Kovic suggested that consideration also be given to including shrimp in the mandate of the working group. Johnny Nowdlak stressed the need for care in developing research plans, lest governments look too much to industry for research funding.

Several individuals were identified to develop an appropriate recommendation for the consideration of the Meeting Participants. Michael d'Eça counseled that it was in order for Participants to deem themselves to be constituted as an ad hoc "Round Table" for purposes of developing this and other recommendations to their sponsoring organizations. Joanasie Akumalik urged that time frames for specific actions be included in the terms of reference for any working groups that were going to be recommended. The final decision was to leave operating instructions of this nature as the prerogative of the appointing bodies.

Tuesday, 12 August 1997

7. Shrimp Fisheries

Marc Allard explained the Nunavik perspective on the shrimp fisheries. These fisheries started with the participation of four Inuit per boat; there are now up to ten Inuit per boat. Marc indicated that if Inuit participation on the boats is to increase further, Inuit will need to train for the more advanced positions such as officers and mechanics.

Marc advised that there are 17 Canadian Atlantic shrimp licence holders; together they constitute the Canadian Prawn Producers Association (CAPP). Seven of these licence holders comprise the "Northern Coalition". The break-even requirement for these fisheries is a catch rate of 3-4 metric tonnes (MT) of shrimp per hour.

Marc expressed some concern about NWMB's advocacy of adjacency principles on behalf of Nunavut turbot fishers as part of the present dispute with DFO over turbot allocations. He suggested that this might undermine continuing access by northern operators to southern shrimp. Marc noted that CAPP as a group, and the three Inuit shrimp licence holders individually, have made application this year to fish inside the 12-mile limit around Resolution Island, and thus within NSA waters. Paul Okalik observed that the NLCA speaks specifically to allocation priorities within the NSA. Dan Pike noted that the NWMB has set a commercial quota of 1,000 MT inside the NSA, accessible only to the three Inuit licence holders. Alan Braidek asked if the NWMB has established the basic needs level (BNL) for this shrimp stock. Dan advised that the BNL has not been established, and that is why the commercial quota is not being designated as a total allowable harvest (TAH).

Malachi Arreak noted that the Area 3 shrimp harvest rarely exceeds half the total allowable catch (TAC). He suggested that the shrimp inside the 12-mile limit are part of the same stock that is being exploited farther offshore.

Johnny Mike reckoned that the returns to Inuit stakeholders from the shrimp fisheries are too low at present, and suggested that a system of royalties might be warranted. Joanasie Akumalik identified a need for more and better communication and cooperation between Nunavik and NWMB/QIA/QWB/QC in respect to these fisheries.

Gordon Koshinsky recalled Ben Kovic's earlier suggestion that the working group being recommended to explore issues pertaining to the turbot fisheries could also have shrimp issues in its mandate. Gordon noted the concern that had earlier been expressed about the possibility of broader issues being at stake in the matter of advocating for compliance with principles of adjacency in respect to turbot. He suggested that if a working group is formed, one of its assignments could/should be to quantify and evaluate the relative benefits and risks of promoting adjacency considerations throughout the Arctic marine fisheries.

Johnny Nowdlak made reference to the possible effects of shrimp fishing on the ecosystem, including marine mammals. Ben Kovic confirmed that many marine mammals over-winter in the Resolution Island area and suggested that the mandate of the working group could include reviewing ecosystem concerns.

The individuals previously identified to prepare a recommendation for the formation of a working group to develop recommendations regarding conduct and benefit-sharing for the turbot fisheries were charged to broaden their outlook to encompass groundfish in general, along with shrimp. This challenge was accepted, and the ensuing effort resulted in the adoption by the Meeting Participants of the recommendation that is appended to these Minutes as Attachment B.

8. Eastern Hudson Bay Beluga

Stas Olpinski noted that COSEWIC has designated the Eastern Hudson Bay beluga as threatened stock. He expressed the concern that beluga harvested at Sanikiluaq might, to a considerable extent, be part of that same stock. Whatever the stock-sharing situation, it is imperative to ensure that the harvests are sustainable. That is the basis and rationale for the proposed *Northern Quebec Beluga Five-Year Management Plan*. Stas suggested that DFO has not consulted adequately with the Sanikiluaq Inuit on this matter.

Dan Pike affirmed that the NWMB recognizes a possible need for management action. If Sanikiluaq hunters are harvesting from the Eastern Hudson Bay stock, the urgency would be increased. However the biological evidence available to date tends to refute rather than support this contention. Furthermore, the proposed management plan does not conform to the NLCA and therefore cannot be approved by the NWMB. Dan agreed that DFO has not undertaken appropriate consultations in development of the management plan. In these circumstances it is not clear what actions can realistically be expected of NWMB.

Michael d'Eça suggested that his earlier review of the proposed management plan (included as Appendix I of the briefing note) could serve as an outline for re-writing the plan. Michael suggested that a lesson is here to be learned on how (or how not) to develop wildlife management plans pertinent to the NSA. Paul Okalik supported the NWMB's rejection of the proposed management plan in its present format. Johnny Peters noted that the NWMB was not in operation at the time this management planning initiative was started. Johnny suggested that permitting Sanikiluaq people to hunt during periods when Quebec people cannot hunt poses a real problem. Joanasie Akumalik suggested that the NWMB might ask QWB to resolve this issue.

Stas Olpinski suggested that the ultimate requirement is for a composite (Nunavut/Nunavik) beluga management plan. Such a composite management plan could have separate management components if it is determined that

separate stocks are being harvested. Stas suggested that in the meantime, the NWMB might request DFO to make the necessary adjustments to render the proposed management plan acceptable. The consensus of the Meeting Participants was to support this course of action.

9. Utilization and Management of Shared Walrus Stocks

Stas Olpinski suggested that a management plan for North Hudson Bay/Hudson Strait walrus was required, especially in the context of the increasing interest in sport hunting. Ben Kovic noted that DFO has started preparing such a management plan, for the consideration and approval of the NWMB. This initiative seems to be on schedule.

10. Polar Bear Sport Hunting and Co-management

Stephen Atkinson noted that polar bear populations referenced to the following Management Zones: Foxe Basin (FB), Davis Strait (DS), and South Hudson Bay (SHB), are shared by Nunavut and Nunavik. Size estimates for the latter two populations are quite poor. Greenland and Labrador participate along with Nunavut and Nunavik in harvesting these two populations. Greenland has no regulations to govern their polar bear hunting, nor any real harvest monitoring.

Stas Olpinski stated that the Inuit of Nunavik have long shown interest in polar bear sport hunting. Inukjuak is getting quite determined about this. Johnny Peters explained that Inukjuak would like to direct part of their subsistence quota to sport hunting. Ben Kovic indicated that management plans would be required. Johnny Peters asked about the possibility of developing eco-tourism based on polar bears. Ben Kovic indicated that this would be no problem if the animals were not being harassed. Johnny asked how Labrador managed polar bear hunting. Stephen Atkinson replied that Labrador has an annual allotment of four bears, but this is for dealing with nuisance animals only. Dan Pike asked if Inukjuak would want to hunt in the NSA. Stas Olpinski indicated that they do want that option, and that they certainly want to clarify the jurisdiction in any case. Joanasie Akumalik stressed the need to take account of traditional ecological knowledge (TEK) in developing polar bear management plans.

11. Assorted Research Priorities

Stas Olpinski indicated that Nunavik would like to be able to make formal input to the NWMB research identification and prioritization process. Gordon Koshinsky asked if a research fund was being negotiated into the Nunavik offshore agreement. Lorraine Brook advised that it was. Gordon noted that marine research tends to be expensive and logistically complicated, and suggested that it might be appropriate to consider joint funding of some research projects once the Makivik research fund is established.

12. Meeting adjourned