



Establish Basic Needs Levels for Beluga, Narwhal and Walrus as per Nunavut Land Claims Agreement 5.6.25

For

Information:

Decision: X

Issue:

In recognition of the Board's unmet responsibility under section 5.6.25 of the NLCA, as amended, NTI request that the Board establish the basic needs levels for beluga, narwhal and walrus. The basic needs levels for these species will have the same effect as basic needs levels for other species under the NLCA. They will constitute the first demand on the total allowable harvest if and when total allowable harvests for these species are established (5.6.20).

Background:

During the negotiation of the NLCA, negotiators for Tunngavik proposed that beluga, narwhal and walrus be included as "presumptions as to needs" species in section 5.6.5 of the NLCA. As there was not a consensus, and Inuit were adamant that beluga, narwhal and walrus should be listed in 5.6.5, an alternative resolution was adopted. This alternative was section 5.6.25 of the NLCA. It was agreed that the NWMB would resolve the issue by establishing the basic needs levels for beluga, narwhal and walrus within 12 months of being established, and that, in these cases, the Board would recognize that supply had been short in some areas, causing the Inuit harvest to fall below the full level of Inuit needs.

The NWMB was established on the date of the NLCA's ratification, July 9, 1993 (5.2.1). The original Nunavut Wildlife Harvest Study was only scheduled to commence within one year, and was to continue for five years (5.4.2; 5.4.4). 5.6.25 was not addressed in the 1993 Implementation Contract for the NLCA.

The NWMB considered the obligation identified in 5.6.25 and requested an amendment for an extension of the 12 month requirement. An amendment was made to 5.6.25 on

September 17, 1996, extending the 12 month period to 31 March 1997. The NWMB's request had presumed that the Board would establish the basic needs level for beluga, narwhal and walrus on the basis of the Harvest Study. The NLCA's original deadline appears to have been misinterpreted, honestly, as a procedural error. The requirement to establish these basic needs levels remains outstanding.

In fact, 5.6.25 requires that the NWMB establish the basic needs level for beluga, narwhal and walrus prior to the completion of the Harvest Study. Therefore 5.6.19 to 5.6.24, which depend on Harvest Study data where harvesting was occurring in the study period, are not to be used to establish the basic needs levels for these species. Under 5.6.25, the NWMB is to take into account the fact that beluga, narwhal and walrus have been in short supply in some areas and therefore the harvest by Inuit has been and is artificially low in relation to their needs. In particular, this direction recognizes that quotas applying to all narwhals in the Nunavut Settlement Area, and to walrus and beluga for some HTOs, have restricted Inuit harvesting to levels that do not necessarily reflect their full level of needs.

Inuit are and always have been the primary harvesters of these species within the Nunavut Settlement Area. Subsection 4(2) of the Marine Mammals Regulations provides that "*A license to fish for narwhals shall not be issued to any person other than an Inuk.*" As demonstrated in the management of presumption of needs species such as polar bears, reserving to Inuit the total allowable harvest for these species would not impact negatively on the allocation of harvest quantities across interprovincial or international boundaries.

For greater certainty, these basic needs levels are not intended to be implemented so as, in themselves, to prevent fisheries officers or researchers from harvesting these species for purposes of research or of predator or disease control, as approved by the NWMB.

Recommendation:

NTI recommends that the NWMB establish the basic needs levels for beluga, narwhal and walrus by determining that Inuit need the total allowable harvest established by the NWMB of all beluga, narwhal and walrus within the Nunavut Settlement Area.

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