

You went on to make a number of additional points that the NWMB also carefully considered:

- (a) Public safety is of the highest priority to the Government of Nunavut (GN). However, the GN disagrees with the NWMB's reasoning which leads to the conclusion that *"...the only way to ensure there is no danger to the public would be to eliminate all polar bears, and clearly that is not a reasonable approach..."*
- (b) The GN is in the process of introducing three new initiatives to address public safety and compensation issues:
 - (i) The recent staffing of a *Wildlife Deterrent Specialist* position tasked with implementing *Bear Deterrent Plans* across Nunavut;
 - (ii) A *Wildlife Stewardship Program*, which will provide financial and technical assistance for the protection of life and property, with a particular emphasis on preventing bear-human conflicts; and
 - (iii) A *Compensation Program* that will provide compensation for qualified individuals who suffer losses from bear damage.
- (c) With respect to the NWMB's recommendation for the development of a scientifically sound and *Inuit Qaujimajatuqangit*-compliant survey that provides a population estimate having the confidence of both the GN Department of Environment (DOE) and Inuit: DOE agrees that obtaining an updated population estimate is a priority, but because the challenges to accomplishing what the Board recommends are many, *"...achieving such a goal seems highly unlikely in the present context."* As a way forward, you propose a meeting in the near future between DOE, the NWMB and Nunavut Tunngavik Inc. (NTI).
- (d) An appropriate way to frame the discussion would be in the context of the target number for the population. The current number of 2100 bears was agreed to in 2004 by all parties to the Polar Bear Memorandum of Understanding (polar bear MOU). If any party feels that number is too high for safety or other reasons, then that party need only notify the other parties in order to initiate a request to reconsider the target number and take a different management approach.

The NWMB's reconsideration of its initial decision

The NWMB appreciates your concern with respect to the Board's inclusion of a condition on its initial TAH reduction decision that the GN and affected Hunters and Trappers Organizations must first agree upon acceptable compensation. As a result, the NWMB has entirely removed that condition from its final decision.

The NWMB is in agreement with you that public safety must be the highest priority in wildlife management decision-making. However, the Board rejects your reasoning that its line of thinking constitutes a slippery slope leading to the unacceptable conclusion that all polar bears must be eliminated in the name of public safety.

The specific issue of public safety and polar bear hunting in Nunavut was considered between November 1997 and February 2001¹, albeit in a different context than the current one. During that multi-year process, the NWMB took the position that a number of otherwise acceptable societal activities involve elements of danger, that these can never be completely eliminated, and that the approach of responsible public authorities should be to put in place reasonable mitigation measures, so as to reduce the degree of danger to an acceptable level. That remains the Board's position in the present circumstance.

The NWMB also wishes to underline that responsible mitigation measures to address public safety concerns can reasonably include useful actions, plans and programs to address property damage, protection measures and financial losses for affected Inuit.

In that regard, the Board supports the three new GN initiatives described in your letter, as long as:

- They are demonstrably effective; and
- Considering the particularly difficult circumstances being encountered by the communities that harvest from the Baffin Bay polar bear population, they are designed in cooperation with those communities, to the extent possible.

With respect to the NWMB's recommendation regarding the timely development of a survey having the confidence of both the GN and Inuit: While the NWMB agrees that the situation is challenging, it remains optimistic that the parties will find a way to promptly agree on a responsible way forward. Considering all the circumstances, there is a clear urgency for designing – and implementing – such a survey. Accordingly, the Board's final decision includes a reasonable condition for the cooperative design and implementation of that survey, with the goal of producing an up-to-date population estimate for consideration in time for the 2014-15 harvesting season.

The NWMB's final decision

Pursuant to NLCA Section 5.3.12 – and having carefully reconsidered its initial decision in light of your written reason and additional points – the NWMB hereby forwards to you its final decision with respect to the TAH for the Baffin Bay polar bear population:

¹ See, for instance, the NLCA Article 5 decision letters between the NWMB and the Government of the Northwest Territories Minister of Resources, Wildlife and Economic Development (June - September 1998), and between the NWMB and the GN Minister of Sustainable Development (September - October 1999, and February 2001), as well as the Nunavut Court of Justice decision in *Kadlak v. Nunavut (Minister of Sustainable Development)* [2001] Nu. J. No. 1.

RESOLVED that – pursuant to Section 5.6.16 of the Nunavut Land Claims Agreement – the NWMB reduce the regional total allowable harvest (TAH) of 105 for the Baffin Bay polar bear population, by 10 bears per year over the four years commencing in 2011-2012 (2011-12, 2012-13, 2013-14 and 2014-15), subject to the following conditions:

- (a) The Government of Nunavut (GN) formally commit to the design and implementation – in cooperation with affected Inuit organizations, to the extent possible - of a survey of the Baffin Bay polar bear population, for the purpose of producing an up-to-date population estimate in time for consideration for the 2014-2015 harvesting season, or earlier if possible; and
- (b) In recognition that a lower TAH will increase the existing need for effective public safety measures, the GN commit to the implementation during fiscal year 2010-2011 of effective “*Polar Bear Deterrent Plans*” for the communities that harvest from the Baffin Bay polar bear population, with such plans designed in cooperation with those communities, to the extent possible.

FURTHER RESOLVED that, in recognition that a lower TAH will lead to consequential financial losses, property damage and the need for more effective protection measures, the NWMB recommend that the GN commit to:

- (a) The implementation during fiscal year 2010-2011 of an effective “*Wildlife Stewardship Program*” (providing financial and technical assistance for the protection of life and property) in those communities that harvest from the Baffin Bay polar bear population - with the program, insofar as it applies to those communities, designed in cooperation with them, to the extent possible; and
- (b) The implementation during fiscal year 2010-2011 of an effective “*Compensation Program*” for qualified individuals who suffer losses from bear damage, in those communities that harvest from the Baffin Bay polar bear population - with the program, insofar as it applies to those communities, designed in cooperation with them, to the extent possible.

The way forward

The NWMB is optimistic that, if accepted, its final decision in this matter will establish a reasonably strong foundation upon which the co-management partners can construct a positive way forward. In conjunction with its decision, the Board also recommends the following three additional measures be adopted as part of that way forward:

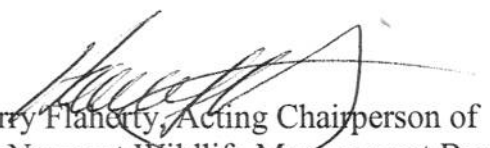
1. Building upon the recent, successful signing of the Canada-Greenland Memorandum of Understanding for shared polar bear populations (MOU), the MOU's Joint Commission – in cooperation with the "*User-to-User Working Group*" – recommend an equitable share percentage for each country of the overall available harvest for the Baffin Bay polar bear population;
2. DOE promptly issue an invitation to the Inuit parties to the Baffin Bay polar bear MOU to attend a meeting of the polar bear MOU parties (the GN and Inuit), to discuss the possibility of revising the target number; and
3. In accordance with the proposal in your December 11th 2009 disallowance letter, you issue a formal invitation – at the earliest possible date – to the NWMB and NTI to attend a meeting with DOE to discuss practical goals, applications and limitations associated with the inclusion of *Inuit Qaujimajatuqangit* in wildlife management and research.

Finally, Mr. Minister, the NWMB is prepared to reconsider the level of TAH for the Baffin Bay polar bear population as soon as an up-to-date population estimate is produced, or as circumstances otherwise require. Two potential such circumstances would be:

- If the Canada-Greenland MOU's Joint Commission provided to the NWMB, with reasons, a recommended different sustainable level of TAH; or
- If the parties to the Baffin Bay polar bear MOU recommended to the NWMB a different sustainable level of TAH, with reasons, based on an agreed-upon revised target number for the population.

If you have any questions or concerns regarding this letter, please do not hesitate to contact the NWMB.

Yours sincerely,


Harry Flaherty, Acting Chairperson of
the Nunavut Wildlife Management Board