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EYYOU MARINE REGION WILDLIFE BOARD
CONSEIL DE GESTION DES RESSOURCES
FAUNIQUES DE LA RÉGION MARINE D'EYYOU
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March 17th, 2017

The Honourable Dominic LeBlanc
House of Commons
Minister of Fisheries and Oceans
200 Kent Street
Station 15N100
Ottawa, Ontario
K1A 0E6

Subject: Establishment of Total Allowable Take and Non-Quota Limitations for Eastern Hudson Bay Beluga in the Nunavik Marine Region

Dear Honourable Minister LeBlanc,

As you are aware, the Total Allowable Take (“TAT”) previously established for beluga whales in the Nunavik Marine Region (“NMR”) has expired. In light of this and in accordance with the obligations of the Nunavik Marine Region Wildlife Board (“NMRWB”) as defined in section 5.2.3 of the Nunavik Inuit Land Claims Agreement (the “NILCA”), the NMRWB and Eeyou Marine Region Wildlife Board (“EMRWB” or collectively “the Boards”) have reached TAT and non-quota limitation (“NQL”) decisions. These decisions are being forwarded to you in accordance with section 5.5.7 of the NILCA. Given that these decisions include areas of the Nunavik Marine Region (“NMR”) that overlap with the Eeyou Marine Region (“EMR”), specifically the Inuit and Joint Zones, the engagement of the EMRWB is required as stipulated in the Cree / Inuit Offshore Overlapping Agreement.

P.O. Box 433, Inukjuak, QC, J0M 1M0
Phone: (819) 254-8667 | Fax: (819) 254-8816
info@nmrwb.ca | <http://www.nmrwb.ca>

Beluga occupy a central role in both the social and ecological systems in the NMR. Beluga are one of the most important species to Nunavik Inuit and the Eastern Hudson Bay (“EHB”) beluga stock, named for its summering area, is considered to be a depleted population by DFO. Since the introduction of formal beluga management measures in Nunavik thirty years ago, beluga harvesting has been one of the most contentious wildlife management issues in the region.

For all of these reasons, the Boards took exceptional care in establishing the level of Total Allowable Take (“TAT”) and non-quota limitations (“NQL”) for the next three years. In order to allow for a fair process, this has been a lengthy undertaking for the Boards beginning with discussions nearly a year ago with co-management partners. In September 2016, our Board staff, along with DFO, Makivik, and the *Regional Nunavimmi Umajulirijiit Katujjiqatigiinninga* (“RNUK”) hosted a workshop in Inukjuak to which all 14 *Local Nunavimmi Umajulirijiit Katujjiqatigiinningit* (“LNUKs”) participated. This workshop allowed all co-management partners to share their perspectives on which parts of the previous management system worked and what needed to be improved. The RNUK, Makivik and DFO then worked collaboratively to turn the outcomes of this workshop into a joint submission to the NMRWB to initiate the decision-making processes of the Boards. After being presented with this request at their regular October meeting, the NMRWB, together with the EMRWB, issued a written hearing notice on October 20th, 2016.

The Boards reviewed all of the submissions that were received during a joint session at the NMRWB December meeting. During this meeting, concerns and requests from parties to the hearing were discussed. Specifically, there were some communities that requested the opportunity to make additional submissions, other parties who had not provided initial submissions and still wanted to do so, and some parties who wanted the opportunity to question or respond to submissions by other parties. After considering the information and requests presented to them, the Boards decided to extend the hearing process to include both a Question Period and a Final Submission Period. When the Boards met together on March 1st, 2017 to consider all of the submissions that were presented to them, they found that they had all of the necessary information to establish the TAT and NQL Decisions that are attached to this letter.

The Boards recognize that there were serious issues surrounding the communication of the previous management decisions, especially in 2014. Several submissions pointed out the need for a communication plan to be associated with this next management system. Board staff have been working towards a communication strategy with other co-management partners and will take a more active role in ensuring that the Boards’ decisions are well understood. However, the Boards recognize that the ultimate responsibility for beluga management and the implementation of Boards’ Decisions rest with you as the federal Minister responsible for fish and marine mammals (s 5.1.2 (j), 5.5.10, and 5.5.13).

In the attached Decisions, the Boards endeavoured to only restrict Inuit harvesting rights to the extent necessary to affect a conservation purpose (s 5.5.3 (a)). It is with this principle in mind that the Boards approved a new pilot project in Hudson Strait. Hunters from the area, especially those from Quaqtuq, observed that Eastern Hudson Bay beluga migrate earlier than Western Hudson Bay beluga in the fall. Further, due to management restrictions, hunters tend to harvest

as early in the fall as possible to ensure they reach their allocation before the hunt is closed, which may inadvertently increase the proportion of Eastern Hudson Bay beluga taken in the fall harvest. For this reason, hunters proposed delaying their fall hunt to allow the Eastern Hudson Bay beluga to pass and to redirect harvest to the larger WHB beluga. In their final submissions, LNUKs from those four communities requested that a limited number of whales (10) harvested during this period be outside of the established TAT. When this request was submitted during the Question Period, DFO responded that harvesting outside of the pilot project would be of high risk. DFO also stated that this late fall period is a time of year for which there are currently no samples. The Boards' decision balances these two perspectives by including the harvest within the TAT but providing the opportunity for allocations to be adjusted for the following year if whales harvested and sampled during the pilot project consist of a different proportion of EHB beluga than is currently assumed (25%). This will require commitment from all parties but will allow for harvest to be determined by the best available information.

Through this decision-making process, the Boards also identified a number of issues which require further attention. Firstly, DFO presented a Precautionary Approach as a proposed management framework and also suggested the Boards set a management objective to guide advice from DFO. The Boards cannot consider a significant departure from the current approach without full consultation with Nunavik Inuit and other affected parties regarding this new approach, ensuring both that the approach and implications are well understood and that it is consistent with Inuit approaches to managing wildlife and the principles of the NILCA. Furthermore, given the significant implications of a management objective, meaningful consultation with Nunavik Inuit and other co-management partners is required. Secondly, there were requests from a number of parties to reopen the estuaries that are currently closed by Marine Mammal Regulations (Nastapoka and Mucalic) and by Board decision (Little Whale River). We did not consider that we had sufficient information available to consider changes at this time. The Boards are therefore requesting that DFO, in collaboration with nearby communities and Makivik, undertake research to determine current beluga use of the estuaries. The Boards highly recommend that these knowledge gaps be addressed in advance of the expiration of this present decision in order to inform the next TAT and NQL decisions.

As has been requested by several parties over many years, the Boards intend to seriously move towards a non-quota based management approach for beluga whenever possible and will begin consultations with affected parties to consider what other options may be more effective in the Nunavik Marine Region. In doing so, the Boards recognize that there will need to be appropriate checks and balances to ensure this approach is effective.

We trust that you will give full consideration to the Boards' decisions, including the Rationale for Decisions and supporting documents. Although we fully recognize that you may take up to sixty (60) days to provide a response to the decisions (NILCA s.5.5.8), time is of the essence for finalizing this process, as the start of beluga harvesting corresponds with the onset of the spring migration of beluga whales through the NMR, which can begin as early as May. Indeed, beluga have already been observed near Hudson Strait communities this year.

Thank you for your department's continued support of the Boards and for the great assistance your DFO representatives have provided to the NMRWB and EMRWB as the Boards fulfill their mandates under the NILCA and Eeyou Marine Region Land Claims Agreement.

Sincerely,



Josepi Padlayat

Chairperson,
Nunavik Marine Region Wildlife Board



Isaac Masty

Vice-Chairperson,
Eeyou Marine Region Wildlife Board

Cc. Stefan Romberg: DFO, Senior Fisheries Resource Management Officer
Anne-Marie Cabana: Aboriginal Fisheries Division, DFO Quebec
Denis Gros-Louis: Director, Resource Management and Aboriginal Affairs

Attachments:

1. Resolution # 2017-03-05: A Resolution to Establish the Total Allowable Take and Non-Quota Limitations for Eastern Hudson Bay Beluga in the Nunavik Marine Region, Excluding the Cree / Inuit Overlap Area
2. Resolution # 2017-03-06: A Resolution to Establish the Total Allowable Take and Non-Quota Limitations for Eastern Hudson Bay Beluga within the "INUIT ZONE" as defined under the Consolidated Agreement Relating to the Cree / Inuit Offshore Overlapping Interests Area
3. Resolution # 2017-03-07: A Resolution to Establish the Total Allowable Take and Non-Quota Limitations for Eastern Hudson Bay Beluga within the "CREE / INUIT JOINT ZONE" as defined under the Consolidated Agreement Relating to the Cree / Inuit Offshore Overlapping Interests Area
4. Resolution WB-2017-03-09: Total Allowable Take and Non-Quota Limitations for Eastern Hudson Bay Beluga in Joint Zone
5. Rationale and Support for the NMRWB and EMRWB Resolutions for a Total Allowable Take for Eastern Hudson Bay Beluga Whales and Associated Non-Quota Limitations in the Nunavik Marine Region (2017-2020)