



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

- WHEREAS** pursuant to section 5.2.3 (a) and 5.2.10 of the Nunavik Inuit Land Claims Agreement (“NILCA”), the Nunavik Marine Region Wildlife Board (“NMRWB”) is the main instrument of wildlife management in the Nunavik Marine Region (“NMR”) and has the sole authority to establish, modify or remove levels of Total Allowable Take (“TAT”) in the NMR; and
- WHEREAS** the TAT will be expressed by the NMRWB for a species, stock or population by any method that the NMRWB considers appropriate (NILCA section 5.2.11); and
- WHEREAS** the NMRWB, subject to section 5.3.8, shall presume as a matter of fact and without further evidence that Nunavik Inuit need the TAT established by the NMRWB of all beluga whales (NILCA paragraph 5.3.7(b));
- WHEREAS** pursuant to sections 5.2.3 (e) and 5.2.19 to 5.2.22, the NMRWB has the authority to establish, modify or remove non-quota limitations (“NQL”); and
- WHEREAS** NQL established on Nunavik Inuit shall not unduly or unreasonably constrain their harvesting rights (NILCA section 5.2.21); and
- WHEREAS** NQL on harvesting in force on the effective date of the NILCA shall be deemed to have been established by the NMRWB and shall remain in effect until removed or otherwise modified by the NMRWB (NILCA s.5.2.22); and
- WHEREAS** during the NMRWB’s Regular Meeting in October, Makivik, the Regional Nunavimmi Umajulirijiit Katuggiqatigiinninga (“RNUK”), and the Department of Fisheries and Oceans (“DFO”), presented a joint submission to the NMRWB making a number of recommendations for the next beluga management decisions; and
- WHEREAS** the NMRWB subsequently decided to hold a written public hearing to consider the TAT and NQLs for Eastern Hudson Bay beluga and released notice of this hearing on October 20th, 2016; and
- WHEREAS** since the area of the NMR where the TAT and NQL decisions would apply includes the Inuit and Joint Zones contained within the Cree / Inuit Offshore Overlapping Interest Area, the involvement of the Eeyou Marine Region Wildlife

Board (“EMRWB”) (the EMRWB and the NMRWB collectively the “Boards”) is required as is stipulated in the Cree / Inuit Offshore Overlapping Agreement; therefore, the Boards jointly issued this written hearing notice; and

WHEREAS the Boards considered all of the information provided to them through the written public hearing on December 16th, 2016; and

WHEREAS thereafter certain communities requested the opportunity to make additional submissions, other parties who had not provided initial submissions still wanted to do so, and certain parties wanted the opportunity to question or respond to submissions by other parties; therefore, the Boards extended the hearing to include both a Question Period and a Final Submission Period; and

WHEREAS the NMRWB and several other parties posed questions or requested additional undertakings during the Question Period; and

WHEREAS the date for Final Submissions closed on February 27th, 2017 and the Boards reviewed all of the information that was presented to them and found that they have the necessary information to take TAT and NQL Decisions; and

WHEREAS the DFO has identified a conservation concern for the Eastern Hudson Bay summering stock of beluga (“EHB beluga stock”); and

WHEREAS the NMRWB previously established a TAT of 162 EHB beluga over a three year period for the NMR, commencing February 1st 2014 and ending on January 31st, 2017; and

WHEREAS the most recent stock assessments indicate a small, but insignificant increase, in the Eastern Hudson Bay beluga population; and

WHEREAS DFO presented a Precautionary Approach as a new framework for EHB beluga management for consideration but has not yet consulted with Nunavik Inuit regarding this new approach; and

WHEREAS DFO also presented the harvest levels using the Sustainable Yield approach, which is the approach currently used for beluga management in the NMR; and

WHEREAS based on this Sustainable Yield approach and using the same level of risk (50% chance of decline), which previously has been approved by the Boards and the Minister, the DFO model results in a harvest of approximately 68 EHB per year (Figure 9 from DFO’s Final Submission); and

WHEREAS DFO has also identified a conservation concern for the Ungava Bay summering stock of beluga, indicating that this stock is extremely small and that any human-caused mortality would be detrimental to the survival of this stock; and

WHEREAS the NMRWB has in a previous decision accepted the designation of the Mucalic estuary as a protected sanctuary under the *Marine Mammal Regulations*

SOR/93-56, and as such addresses the conservation concern for the Ungava Bay summering stock; and

WHEREAS the DFO considers that the health of the Western Hudson Bay summering stock is such that a TAT is not required to ensure the sustainability of this stock; and

WHEREAS Nunavik Inuit knowledge supports that beluga in the NMR are comprised of mixed stocks which are abundant in certain locations and times of the year, due to such mixing of stocks; and

WHEREAS hunters in the Hudson Strait maintain that there are few EHB beluga migrating in the late fall and therefore requested a pilot project to demonstrate this knowledge by providing genetics samples of all whales harvested after November 1st in Ivujivik and November 15th in Quaqtaq; and

WHEREAS any decisions of the NMRWB or a Minister made in relation to Parts 5.2 and 5.3 of the NILCA, shall restrict or limit Nunavik Inuit harvesting only to the extent necessary to effect a conservation purpose in accordance with the Principles of Conservation identified in sections 5.1.4 and 5.1.5 (NILCA section 5.5.3); and

WHEREAS the NMRWB recognizes that the RNUK and the LNUKs have the power to regulate the harvesting by its members, but must do so in such a way as to conform to any other regulations governing harvesting practices and techniques, including the TAT and NQLs established herein (NILCA section 5.7.11);

WHEREAS the NMRWB and the Minister in exercising their responsibilities in relation to section 5.2.3, paragraphs 5.2.4 (b), (c), (d), (f), (h), and sections 5.2.10 to 5.2.22, 5.3.8, 5.3.10 and 5.3.11 shall also take account of harvesting activities outside the NMR and the terms of domestic inter-jurisdictional agreements or international agreements pertaining to such wildlife (NILCA section 5.5.4.1); and

WHEREAS in a joint submission, Makivik and NTI presented evidence that demonstrates that a harvest of 2 EHB beluga per year by Sanikiluaq is a reasonable estimate of harvest levels outside of the NMR; and,

WHEREAS pursuant to section 5.2.3 (a), the NMRWB wishes to establish the level of a TAT and NQLs in light of the written submissions provided by parties during the course of the written hearings; Now therefore,

BE IT RESOLVED that the preamble and the accompanying *“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)”*, shall form an integral part of this resolution; and

- BE IT FURTHER RESOLVED** that an the establishment of a maximum number of beluga from the EHB stock that can be harvested is necessary to address the conservation concern identified by DFO; and
- BE IT FURTHER RESOLVED** that until fulsome and meaningful consultations are undertaken with Nunavik Inuit the NMRWB will continue to make Decisions which supports a management objective of stability in the population of EHB beluga; and
- BE IT FURTHER RESOLVED** that the NMRWB hereby establishes a TAT of one-hundred and ninety-eight (198) beluga from the EHB stock within a three (3) year period; and
- BE IT FURTHER RESOLVED** that this TAT takes into account a harvest of 6 EHB beluga over a three (3) year period outside of the NMR; and
- BE IT FURTHER RESOLVED** that the NMRWB previously decided to allocate 11.4 EHB beluga from this present TAT to allow for a fall harvest in 2016, but that only 10.4 of this allocation was harvested; and
- BE IT FURTHER RESOLVED** that, considering that the proportion of beluga from the EHB stock harvested by Nunavik Inuit differs between the time of the year and location of the hunt, the TAT shall be implemented such that the number of beluga from the EHB stock harvested by Nunavik Inuit is calculated based on the following proportion estimates, which will ensure that the harvesting rights of Nunavik Inuit are limited only to the extent necessary to ensure the conservation of the EHB beluga stock:

Time Period	Area	Proportion of EHB*
Spring Hunt: February 1 – August 31	Ungava Bay	10%
	Hudson Strait	
	North-eastern Hudson Bay	40%
Fall hunt: September 1 – January 31	Ungava Bay	40%
	Hudson Strait	25%
	North-eastern Hudson Bay	30%
Year Round Hunt: February 1 – January 31	Long Island and James Bay	0%
	Ottawa Islands	20%
Eastern Hudson Bay	Winter Hunt: December 1 – April 30	0%
	Kuujjuaraapik pilot project: Extension of winter hunt until June 15	0%
	Summer and Fall Hunt: May 1 – November 31	100%

BE IT FURTHER RESOLVED that beluga harvested in Hudson Strait during the fall pilot project for which the genetic results indicate a proportion other than what is currently estimated (25%) shall be adjusted accordingly in the following year for the respective community; and

BE IT FURTHER RESOLVED that considering harvesting outside of the NMR and the previously allocated TAT, the remaining TAT from the time of implementation until January 31st, 2020 is one-hundred and eighty seven (187) EHB beluga; and

BE IT FURTHER RESOLVED that the NMRWB recommends that the following non-quota limitations, as provided for under the *Marine Mammal Regulations* SOR/93-56 (“MMR”) be maintained:

1. No person shall disturb a beluga whale, except when beluga hunting (MMR s.7);
2. No person shall attempt to kill a beluga except in a manner that is designed to kill it quickly (MMR s. 8);
3. No person shall hunt for beluga without having on hand the equipment necessary to retrieve it (MMR s. 9);
4. No person who kills, or wounds, a beluga shall fail to make a reasonable effort to retrieve it without delay, nor shall he abandon or discard it (MMR s. 10 (1));
5. No person who kills a beluga shall waste any edible part of it (MMR s.10 (2));
6. No person shall kill a beluga calf (dark in colour and less than 2 m in length), or an adult beluga that is accompanied by a calf (MMR s.18);
7. In Ungava Bay, the Mucalic estuary (as defined in Article 5, Schedule 2 of the MMR) will remain closed to beluga hunting;
8. In Hudson Bay, the Nastapoka River (as defined in Article 5, Schedule 2 of the MMR) will remain closed to beluga hunting; and

BE IT FURTHER RESOLVED pursuant to NILCA s.5.2.3 (e), and in accordance with s. 5.5.3, that the NMRWB establishes the following non-quota limitations to further address the conservation concerns related to beluga whales in the NMR and to ensure a safe and well-coordinated harvest:

1. Each year, the beluga harvesting season (as noted on DFO variation orders) shall be from February 1st until January 31st of the following year;

- In accordance with their powers and functions (NILCA section 5.7.2 (c)), any LNUK may further restrict the periods during which its members may harvest beluga whales;

2. No harvesting shall be permitted at the Little Whale River, in an area bounded by the following coordinates:

55°59'00" N	76°48'13"W
55°59'00" N	76°49'20"W
56°01'15" N	76°49'20"W
56°01'15" N	76°43'48"W

3. Netting of beluga whales shall be permitted, as long as the following conditions are respected:

- Nets shall be removed when not under constant surveillance; and
- Any calves, and females with calves, that have been netted shall be removed from nets whenever it is safe to do so; and
- Any additional conditions (e.g. maximum number of nets per harvester) established by the RNUK or LNUKs in accordance with their powers and functions (NILCA sections 5.7.2 (c) and 5.7.4 (c)); and

4. The RNUK shall be responsible for allocating and enforcing the BNL, in this case the entire TAT, among the LNUKs (NILCA s. 5.7.4 (d) and shall do so based on the EHB beluga stock proportions identified in the NMRWB's TAT recommendations and the community requests received through the written hearing.

- In order to do so, the RNUK will be assisted by technical advisors from DFO, Makivik, and the NMRWB. The results of this allocation workshop must be presented to the NMRWB and DFO; and
- This RNUK allocation workshop should be financed by DFO; and
- At the request of communities, rather than allocate an EHB TAT, the RNUK should allocate total beluga per season and location for each of the three years. This allocation should be based on each community's request, though this can be adjusted in cooperation with the respective community. The allocation cannot exceed 187 EHB beluga over the three years (62 annually). It should be clear to all LNUKs that overharvesting by any community will result in proportional reduction in that community's allocation for the subsequent year. It should also be clear that allocations

cannot be transferred between seasons and zones equally, and that adjustments are done in consultation with technical advisors from DFO, Makivik and the NMRWB; and

- In the two subsequent years conference calls will be held in April after genetics results are received from DFO and before the spring migration begins between the same organizations (the RNUK, and technical advisors from DFO, Makivik and the NMRWB) to communicate results of the previous year's harvest and to modify allocations if necessary; and

5. Each LNUK shall be responsible for developing a hunt plan that identifies clear mechanisms, including communication to hunters of how the community's allocation of beluga will be distributed between years, locations, and times of year, to ensure that its members will not exceed the annual number of beluga that has been allocated to them by the RNUK, and thereby not exceed their underlying allocation of EHB TAT;

- It is the responsibility of the LNUK to ensure that its members are informed of yearly allocation by season and location and to ensure that they respect these allocations; and
- Within their hunt plans, LNUKs must propose mechanisms to minimize the number of struck-and-lost beluga (e.g. where to shoot, use of harpoons before shooting, etc.), to ensure minimal wastage of edible parts, and to provide maximum number of genetic samples from the beluga that have been harvested by its members; and
- Hunt plans, must also indicate the minimum equipment that an LNUK requires its hunters to have on-hand prior to harvesting a beluga; and
- Should a community's harvest of beluga be above/below the RNUK allocation for any season and/or zone in any given year, the community must either a) submit a new hunt plan which includes measures to adjust the harvest levels accordingly, or b) Consult with the RNUK in together with technical advisors from either the NMRWB, DFO, or Makivik prior to the next harvesting year to modify the community's hunt plan and adjust allocations; and

BE IT FURTHER RESOLVED that to give effect to the proposed mechanism by which the TAT for the EHB beluga stock is allocated, the NMRWB hereby identifies the following beluga management zones (pursuant NILCA s. 5.2.4 (b)) within which the proportions for the EHB beluga stock vary depending on location and time of year (management zones comprise the area bounded by the province of Quebec, from ordinary low water mark, and the geographic coordinates below):

Long Island		
1	54°38'55" N	79°45'00" W
2	54°46'00" N	80°00'00" W
3	55°00'00" N	80°00'00" W
4	55°00'00" N	79°45'00" W
5	55°15'00" N	79°00'00" W
6	54°54'35" N	78°45'21" W

; and

Kuujjuaraapik pilot area		
5	54°54'35" N	78°45'21" W
6	55°15'00" N	79°00'00" W
7	55°45'00" N	78°00'00" W
8	55°45'00" N	77°04'00" W

; and

Eastern Hudson Bay		
5	54°54'35" N	78°45'21" W
6	55°15'00" N	79°00'00" W
7	55°45'00" N	78°00'00" W
9	56°00'00" N	77°30'00" W
10	56°22'00" N	77°25'00" W
11	57°00'00" N	77°25'00" W
12	57°40'00" N	78°00'00" W
13	58°00'00" N	79°45'00" W
14	58°04'37" N	80°19'48" W

15	59°00'00" N	80°00'00" W
16	59°00'00" N	78°20'00" W

; and

North-Eastern Hudson Bay		
15	59°00'00" N	80°00'00" W
16	59°00'00" N	78°20'00" W
17	61°30'48" N	79°40'48" W
18	62°10'00" N	79°10'36" W
22	62°10'00" N	78°10'00" W

; and

Ottawa Islands		
14	58°04'37" N	81°19'48" W
15	59°00'00" N	80°00'00" W
17	61°30'48" N	79°40'48" W
18	62°10'00" N	79°10'36" W
19	62°30'00" N	80°00'00" W
20	62°00'00" N	80°45'00" W
21	58°10'00" N	81°00'00" W

; and

Hudson Strait		
22	62°10'00" N	78°10'00" W
18	62°10'00" N	79°10'36" W
19	62°30'00" N	80°00'00" W

23	63°00'00" N	77°40'00" W
24	63°12'00" N	77°00'00" W
25	63°25'00" N	76°10'00" W
26	63°15'00" N	74°00'00" W
27	61°38'00" N	69°00'00" W
28	61°00'00" N	64°24'00" W
29	60°23'00" N	64°24'00" W
Thence southerly and southwesterly, coincident with the Labrador Inuit Settlement Area and/or the Province of Quebec to the point of commencement of the Ungava Bay zone (point 30)		
30	60°09'48" N	65°00'00" W
31	60°25'00" N	69°44'00" W

; and

Ungava Bay		
30	60°09'48" N	65°00'00" W
32	58°30'00" N	66°56'00" W
33	58°29'40" N	67°44'00" W
31	60°25'00" N	69°44'00" W

; and

BE IT FURTHER RESOLVED that this decision shall apply to the harvesting of Eastern Hudson Bay beluga, within that portion of the NMR that does not overlap with the Eeyou Marine Region; and

BE IT FURTHER RESOLVED that this comes into effect on the day of its adoption, and shall be renewed for subsequent three-year periods unless additional information is presented to the NMRWB which would require this decision to be revised.

IN WITNESS OF WHICH the resolution to establish the level of Total Allowable Take and non-quota limitations for the Eastern Hudson Bay beluga in the Nunavik Marine Region, excluding the Cree / Inuit Overlap area, has been reviewed by the NMRWB and voted upon as follows:

Moved by: Harry Okpik

Seconded by: Sandy Akavak

In favour: 4 **Abstain:** 0 **Opposed:** 0 **Absent:** 2 **Vacant:** 0

Date of adoption March 9th, 2017