



## **TAT Overruns**

On the issue of an overrun or overharvesting of the total allowable take (“TAT”) in a season and its impacts on later seasons the Boards agree with you that this needs to be addressed. The Boards decisions have been amended to include a provision requiring the subtraction of over harvest from one season to another. We recognize that the issue of overharvesting and enforcement of laws in relation to overharvesting is an area of tension between harvesters and the Department of Fisheries and Oceans enforcement branch. We heard throughout the hearing that the use of quasi criminal proceedings in response to overharvesting is an area of tremendous tension. The Boards further recognize that the engagement of quasi criminal proceeding is often detrimental to reconciliation efforts. As such, the Boards encourage Department of Fisheries and Oceans (“DFO”) to support the Regional Nunavimmi Umajulirijiit Katujjiqatigiinninga (“RNUK”) and the Local Nunavimmi Umajulirijiit Katujjiqatigiinningit (“LNUK”) to develop and implement measures of enforcement and accountability in response to overharvesting that is in keeping with Inuit laws and values and practices. Overharvesting should be addressed through noncriminal and restorative justice practices, specifically those practices inherent to Inuit.

## **Estuary Harvests**

With respect to your concerns around the potential opening of estuaries to community harvests and your concern with the applicable criteria in reviewing such applications: The Boards have added points of clarification in the Resolutions and in their Reasons for Final Decision. Rest assured that criteria applied in reviewing such applications will be governed by the objectives, principles and provisions of the NILCA and the EMRLCA. Further, procedurally, such decisions will be governed by the respective procedural rules of the Boards. The process will be clear and transparent and will include your department's involvement.

## **Fall Harvest in Hudson Strait**

The third area of concern raised in your reasons for rejection was in relation to the assumed proportion of Eastern Hudson Bay beluga harvested within the Hudson Strait during the fall harvest. You have proposed that a more appropriate estimate of the proportion of Eastern Hudson Bay harvested during this fall hunt would be closer to 24%. The Boards appreciate your concerns, however, the available data in relation to this Eastern Hudson Bay beluga estimate is variable and includes a margin of error. Further, 24% does not consider Inuit Knowledge, an important consideration in decision-making under the NILCA. Inuit Knowledge indicates that the main Eastern Hudson Bay beluga migration will typically have already passed through Hudson Strait during the fall harvest, when the NMRWB has decided to open the hunt. Given this and the potential impact the estimate has on harvesting rights, the Boards have concluded that 24% is too high and is not justified under the circumstances. The Boards have concluded that an Eastern Hudson Bay proportion estimate of 20% is more reasonable, and indeed cautious given the evidence from Inuit Knowledge. Accordingly, the Reasons for Final Decisions, and more specifically the monitoring plan has been amended from 10% to 20% to reflect this reconsideration.

## Threshold Calculation

The fourth and final area of concern raised in your reasons for rejection of our initial decision relates to the threshold harvest levels the Boards intend to use in their monitoring plans. The Boards believe that protection of the Eastern Hudson Bay beluga stock will be best achieved without imposing a TAT throughout the NMR. The approach developed is one where a combination of TAT and non-quota limitations collectively protect Eastern Hudson Bay Beluga. The success of this approach requires diligent monitoring of the harvests throughout the NMR. This monitoring will allow for the general evaluation of the effectiveness of the management plan, but more significantly will position the Boards to be responsive to the needs of the Eastern Hudson Bay beluga stock. In the event that the removal rates become of concern and it is demonstrated that the regional TAT and the non-quota limitation management model is proving ineffective, the Boards must come back to the table and re-evaluate their decisions. It is important to note that the use of a threshold level is but one of several tools which will be used in evaluating the effectiveness of our decisions. This system is an adaptive co-management system at its best.

Setting a threshold level was challenging in light of the range of reliability of the available data. There is growing uncertainty in the modelling as the data gets further away from the last known estimates. When reliance on uncertain data has the impact of infringing on the protected rights of Inuit and Cree peoples, the Boards must be diligent in weighing the data. Particularly now, during a global pandemic, and economic recession, where food security and poverty is being exacerbated, the impact of harvesting restrictions are significant. Inuit and Cree harvesters cannot unjustly carry the burden of uncertain data.

Upon review of your reasons for rejection the Boards must emphasize that it is their view that the approach taken by your Department in modelling the sustainable removal rate of Eastern Hudson Bay beluga amounts to an extreme level of precaution. Taking such an extreme approach cannot be reconciled with the provisions of the NILCA and the EMRLCA. Restrictions of Indigenous harvesting rights must be shown to be reasonable, necessary and effective. The model adopted by DFO science branch is a valuable line of evidence for the Boards' decision-making processes. However, given the highly cautious nature of the model, the other lines of available evidence, and the considerations of section 5.5.3 of the NILCA and 15.2.1 of the EMRLCA, the Boards cannot use the model to inform their decisions outright.

The Boards have determined that the most reliable population estimate for the Eastern Hudson Bay beluga stock is 3400 from the DFO 2018 Science Advisory Report 'Harvest Advice for Eastern and Western Hudson Bay beluga' (2018/08). This population estimate includes the 2015 aerial survey results and importantly is subject to less uncertainty than later modelled population estimates where uncertainty increases as a factor of the time since the last survey. Further we have concluded the most reliable rate of increase for this population is 3.3%. Finally, in relation to the percentage of beluga that are lost to "struck and lost or unreported harvest", the Boards concludes that most reliable range is between 20% to 30%. We recognize that this differs from the 39% estimated by your staff; however, evidence presented during the hearing coupled with this new system where underreporting will be a less significant factor combine to make this the most reliable rate. Finally, the Boards recognized that there is a small number of Eastern Hudson

Bay beluga harvested outside of the NMR. Accordingly, that amount has been taken into consideration in coming to the threshold range that is now found within the monitoring plan attached to the Reasons for Final Decision. It is important, however, to note that the threshold is not the only trigger that could bring the Boards back to the table for reconsideration. The Boards' annual review will evaluate the effectiveness of the plan under the NILCA and the EMRLCA, and will consider monitoring, cooperation and collaboration between management partners, surveys, and other forms of research. Beluga management must be a flexible mechanism. The Boards believe that effective beluga management requires collaboration, community acceptance, clarity and responsiveness. This is what the Boards believe is accomplished in the decisions and the monitoring plan submitted herein.

In closing we wish to address with you one of the concerns raised in your rejection of our initial decision. Specifically, that is the question of what our management objective is. The Eastern Hudson Bay beluga stock has suffered greatly from historic overharvesting by the commercial whaling industry. Little is known about the population size and nature prior to the overharvesting. Therefore, discussions around restoration and revitalization are challenging. Determining what the restoration goal is and to what population the stock needs to be revitalized to, is incredibly challenging without historic data. However, what is clear is that any revitalization and restoration efforts require the collective efforts, and the self-determination and self-governed buy-in of Nunavik Inuit and the Cree of Eeyou Istchee. Therefore, while the long-term objective of the Boards is for growth or stability of the Eastern Hudson Bay beluga stock, the short term goal of this 5-year plan is to achieve positive collaboration and restored trust between the Nunavik Inuit, the Cree of Eeyou-Istchee and all co-management partners, without putting the long term objectives at risk.

The Boards submit that the management model and network of decisions that are now before you have the most reasonable chance of success. The EMRCA states that after receiving the final decision the Minister may, within 60 days or within such further period as may be agreed upon by the Minister and the EMRWB, accept, reject or vary the final decision. The NILCA does not provide for a timeframe. That said, we urge you to respond by October 31, 2020. Hunting has been closed in the region since July and hunters and other co-management partners are very concerned about what will happen with the fall hunt. Inuit Knowledge and preliminary genetic data from the Pilot Study indicate that the 31<sup>st</sup> of October EHB are very largely gone from the NMR. A response by October 31<sup>st</sup>, would allow for a late 2020 fall harvest to occur which will be important for food security for this fall and winter.

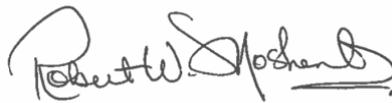
Thank you for your continued support of the Boards and for the great assistance that your DFO representatives have provided to the NMRWB and EMRWB as the Boards fulfill their mandates under the Nunavik Inuit Land Claims Agreement and Eeyou Marine Region Land Claims Agreement.

Sincerely,



**Gordon Blackned**

Chairperson,  
Eeyou Marine Region Wildlife Board  
4 Chief Isaiah Salt Road, PO Box 580  
Waskaganish, QC J0M 1R0



**Robert Moshenko**

A/ Chairperson,  
Nunavik Marine Region Wildlife Board  
P.O. Box 433, Inukjuak, QC, J0M 1M0

Cc. Adamie Delisle-Alaku, Vice President, Department of Environment, Wildlife and Research,  
Makivik Corporation  
Isaac Voyageur, Director of Environment and Remedial Works Department, Cree Nation  
Government  
Patrick Vincent, Regional Director General, DFO  
Quebec Felix Dionne, Coordinator, Aboriginal Fisheries, DFO Quebec,  
Sarah Larochelle, Regional Chief, Aboriginal Programs, DFO Quebec  
Gabriel Nirlungayuk, Regional Director General, DFO Arctic

Attachments:

1. NMRWB Resolution #2020-09-04: Resolution of the NMRWB to Establish a Total Allowable Take for Beluga within the Eastern Hudson Bay Arc Region and Non-Quota Limitations that apply in the JOINT INUIT/CREE ZONE;
2. EMRWB Resolution #2020/21-23: Resolution of the EMRWB to Establish a Total Allowable Take for Beluga within the Eastern Hudson Bay Arc Region and Non-Quota Limitations that apply in the JOINT INUIT/CREE ZONE;
3. NMRWB Resolution #2020-09-05: Resolution of the NMRWB to Establish a Total Allowable Take for Beluga within the Eastern Hudson Bay Arc Region and Non-Quota Limitations within the Inuit Zone;
4. NMRWB Resolution #2020-09-06: Resolution of the NRWB to Establish a Total Allowable Take for Beluga within the Eastern Hudson Bay Arc Region and Non-Quota Limitations within the Nunavik Marine Region;
5. Nunavik Marine Region Wildlife Board and Eeyou Marine Region Wildlife Board Reasons for Final Decisions in relation to the Resolutions for the establishment of a Total Allowable Take for Beluga in the Eastern Hudson Bay Arc Region and Associated Non-Quota Limitations for Beluga in the Nunavik Marine Region (2020-2026).