

WHEREAS pursuant to Article 5 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 it has the sole authority to establish, modify or remove levels of Total Allowable Take (“**TAT**”) and non-quota limitations (“**NQL’s**”) in the NMR;

WHEREAS pursuant to Chapter 13 of the *Eeyou Marine Region Land Claims Agreement* (“**EMRLCA**”), the Eeyou Marine Region Wildlife Board (“**EMRWB**”) is the main instrument of Wildlife management in the Eeyou Marine Region (“**EMR**”) and it has the sole authority to establish, modify or remove levels of TAT and NQL in the EMR;

WHEREAS Article 28 of the NILCA and Chapter 30 of the EMRLCA provide for reciprocal arrangements between the Nunavik Inuit and the Crees of Eeyou Istchee and incorporate therein the provisions set out in the *Consolidated Agreement relating to the Cree/Inuit Offshore Overlapping Interests Area between the Crees of Eeyou Istchee and the Nunavik Inuit* (“**Cree/Inuit Overlap Agreement**”);

WHEREAS in the Joint Inuit/Cree Zone (“**Joint Zone**”), section 28.8 of the NILCA, section 30.6 of the EMRLCA, and sections 4.4 and 7.5 of the Cree/Inuit Overlap Agreement provide, among other things, that

- (a) the NILCA and the EMRLCA and their provisions shall have equal application;
- (b) the NMRWB and the EMRWB shall have equal weight and authority, they shall perform all wildlife management responsibilities jointly and equally, and they shall sit together when making decisions or recommendations and render the same decisions or recommendations;

- WHEREAS** during the NMRWB’s meeting held on August 26, 2019, the Regional Nunavimmi Umajulirijiit Katujiiqatigiinnga (“**RNUK**”) and the Makivik Corporation reported a marked increase in the dissatisfaction of Inuit in relation to previous management measures regarding the Eastern Hudson Bay beluga stock (“**EHB Beluga**”) within the NMR, as well as reports on the fragility of the concerned management system in place;
- WHEREAS** the previous management system was due to expire on January 31, 2020, and in light of the concerns raised by Inuit, the NMRWB decided to reconsider the management measures regarding EHB Beluga within the NMR, and in particular a modification of the TAT for EHB Beluga and the NQL’s in place for beluga harvesting in the NMR;
- WHEREAS** on November 22, 2019, the NMRWB, jointly with the EMRWB, provided notice to all parties with rights and interests in beluga in the NMR (including those with rights and interests in the Cree/Inuit Overlapping Interests Area), of their intention to hold a joint Public Hearing in relation to the potential modification of the TAT for EHB Beluga and NQL’s;
- WHEREAS** on January 21-23, 2020, the NMRWB and the EMRWB held the said joint Public Hearing in Kuujjuaraapik and Whapmagoostui (Quebec);
- WHEREAS** the NMRWB and the EMRWB shall exercise their authority in accordance with the provisions of the NILCA and the EMRLCA respectively, including, in particular, those provisions related to the principles and objectives of wildlife management and Inuit and Cree harvesting rights, and consequently, their decisions shall restrict or limit such harvesting rights only to the extent necessary:
- (a) to effect a conservation purpose in accordance with the relevant provisions of the NILCA and EMRLCA;
 - (b) to give effect to the allocation system outline in the NILCA and EMRLCA, to other relevant provisions of those Agreements and to the reciprocal arrangements with neighbouring Indigenous Peoples under those Agreements; or
 - (c) to provide for public health or public safety;
- WHEREAS** the NMRWB and the EMRWB recognise the importance of conservation measures and practices to ensure the maintenance of a vital, healthy beluga population capable of sustaining the harvesting needs of Inuit and Cree rights holders;

- WHEREAS** the NMRWB and the EMRWB further recognise and wish to give effect to Canada's commitment to reconciliation with Indigenous Peoples and the recognition of Indigenous and Human Rights;
- WHEREAS** the Prime Minister of Canada has emphasized repeatedly that, there is no relationship more important than the relationship between the Government of Canada and Indigenous Peoples;
- WHEREAS** modern treaties, such as the NILCA and the EMRLCA, are intended to renew the relationship between Indigenous Peoples and the Government of Canada to one of equal partnership, and as expressions of partnership between nations, modern treaties play a critical role in fostering reconciliation;
- WHEREAS** the NILCA and the EMRLCA establish a process for the co-management of wildlife resources in the NMR and EMR respectively, and such process is designed to ensure that decisions on wildlife resources are made in partnership and collaboration between Canada and the Inuit and Cree parties in order to foster a positive, mutually respectful, and long-term relationship between them;
- WHEREAS** the NMRWB and the EMRWB, as institutions of public government established under modern treaties, are central to the said process for the co-management of wildlife resources in the NMR and EMR and, consequently, play a key role in the aforementioned reconciliation between Canada and the Inuit and Cree peoples;
- WHEREAS** Canada is a signatory to the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") and has committed to giving it full legal effect in Canada;
- WHEREAS** in reaching their decisions, the NMRWB and the EMRWB shall give due regard to the provisions and principles of the UNDRIP, which constitute minimum standards for the survival, dignity and well-being of Indigenous peoples, including, without limitation,
- (a) respect and promotion of Indigenous self-determination, Indigenous knowledge, culture and traditional practices;
 - (b) recognition that Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired;
 - (c) recognition that respect for Indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment;

- (d) recognition of the urgent need to respect and promote the rights of Indigenous peoples affirmed in treaties, agreements and other constructive arrangements, and that, the relationship they represent, are the basis for a strengthened partnership between Indigenous peoples and States;
- (e) recognition of the rights of Indigenous Peoples in the UNDRIP will enhance harmonious and cooperative relations between the State and Indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith;

WHEREAS due to the COVID-19 pandemic and travel restrictions within Canada rendering it impossible for the NMRWB and the EMRWB to sit together in person, joint meetings of the NMRWB and the EMRWB were held via teleconferences, and voting on the decisions herein were passed through Resolutions In Writing in accordance with the procedures outlined in the NMRWB and the EMRWB by-laws;

WHEREAS in relation to the Joint Zone, the NMRWB and the EMRWB have rendered the same foregoing final decisions pursuant to section 5.5.11 of the NILCA and section 15.3.6 of the EMRLCA, based on:

- (a) their joint consideration of all the information and submissions presented to the NMRWB and the EMRWB by interested parties and through testimony at the aforementioned Public Hearing;
- (b) the *Reasons for Final Decisions of the NMRWB and EMRWB 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)* ("**Reasons for Final Decisions**"), reviewed and approved by this Resolution, substantially in the form appended hereto as **Appendix A**;

THEREFORE, BE IT RESOLVED:

THAT the Reasons for Final Decisions, substantially in the form appended hereto as **Appendix A**, are hereby approved and shall form an integral part of the foregoing resolution;

THAT upon their coming into force, the foregoing decisions shall be read and implemented in conjunction with the decisions set out in the companion Resolution EMRWB-2020/21-23 (Joint Zone), NMRWB Resolution #2020-09-06 (NMR), and Resolution NMRWB-2020-09-05 (Inuit Zone), and shall, collectively,

- (a) represent the entire management measures related to beluga harvesting applicable in the NMR; and
- (b) replace any previous management measures and decisions related to beluga taken previously by the NMRWB pursuant to sections 5.2.3, or in effect by virtue of section 5.3.4, of the NILCA;

THAT the NMRWB, through the foregoing decisions, and in conjunction with the companion decisions set out in Resolution EMRWB-2020/21-23 (Joint Zone), NMRWB Resolution #2020-09-06 (NMR), and NMRWB Resolution #2020-09-05 (Inuit Zone), hereby establishes a TAT of 24 beluga within the Eastern Hudson Bay Arc Region, the boundaries for which are set out in **Appendix B** of this resolution, from May 1st to November 30th of each year. For greater certainty, this TAT applies to beluga harvested in the portion of the Joint Zone that overlaps with the Eastern Hudson Bay Arc Region;

THAT upon the request of a LNUK, the RNUK, or the Cree Trappers Association, the NMRWB, and the EMRWB where required, may permit a portion of the aforementioned TAT not harvested in one year to be carried over and added to the TAT for the following year. In any given year the portion of the unused TAT carried over cannot exceed 10 beluga;

THAT in the event that the TAT for the Eastern Hudson Bay Arc Region is exceeded in any given year, the number of beluga harvested in excess of the TAT will be subtracted from the available TAT for the following year. In addition to the reduction of the TAT for the following year, the NMRWB encourages the LNUK and Cree Trappers Association within the Eastern Hudson Arc Region to develop mechanisms to respond to people that over harvest, in accordance with Inuit laws and practices;

THAT beluga harvested in accordance with the Kuujjuaraapik Pilot Project which occurs annually during the period of December 1st to June 15th and within the co-ordinates described in **Appendix D**, are exempt from the application of the Eastern Hudson Bay Arc Region TAT;

THAT the allocation of the said TAT shall be made in accordance with the applicable provisions of the NILCA and the EMRLCA, including those provisions of the Cree/Inuit Overlap Agreement;

THAT the NMRWB hereby supports the continued application in the Joint Zone of the following NQL's as set out in the *Marine Mammal Regulations* SOR/93-56:

- (a) No person shall disturb a beluga whale, except when beluga hunting;

- (b) No person shall attempt to kill a beluga except in a manner that is designed to kill it quickly;
- (c) No person shall hunt for beluga without having on hand the equipment necessary to retrieve it;
- (d) 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;
- (e) No person who kills a beluga shall waste any edible part of it;
- (f) 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;

THAT pursuant to paragraphs 5.2.3(e) and 5.5.3(a) and (c) of the NILCA, the NMRWB hereby establishes in the Joint Zone the following NQL's in relation to the use of nets for harvesting beluga:

- (a) Nets shall be removed when not under constant surveillance; and
- (b) Any calves, and females with calves, that have been netted and are found alive shall be released from nets as soon as possible and whenever it is safe to do so;

THAT the NMRWB hereby approves the continued prohibition to harvest at the Little Whale River estuary, which boundaries are set out in **Appendix C** of this resolution, it being understood that:

- (a) on a case by case basis, the NMRWB may, jointly with the EMRWB, open Little Whale River for limited harvesting activity;
- (b) approval of harvesting shall require an application from communities that traditionally accessed the estuary and shall include a Little Whale River Estuary Harvest Plan;
- (c) any approved harvest at the Little Whale River estuary would count against the TAT, as the Little Whale River estuary is within the Eastern Hudson Bay Arc Region;
- (d) the proposed harvests are to focus on harvesting activity designed to ensure the full access of rights holders, especially women and children, to access the cultural and intergenerational knowledge sharing that occurs through beluga harvesting; and

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- (e) prior to the approval of any application to harvest at the Little Whale River estuary, the NMRWB, jointly with the EMRWB, will provide a mechanism for impacted parties, including but not limited to the Government of Canada and Indigenous rights holders, to give submission in relation to the application;

THAT the NMRWB hereby requires 100% reporting to the federal Department of Fisheries and Oceans (DFO) and/or Uumajuit Wardens of all beluga harvested in the Joint Zone and hereby require harvesters to take all steps necessary to obtain biological samples from all beluga harvested within the Joint Zone;

THAT monitoring of harvesting activity, monitoring of stock populations and health, and compliance with the decisions herein, is integral to the effectiveness of management measures and is imperative to these decisions meeting the management objectives as defined by the NMRWB and the EMRWB, and consequently, the decisions herein are subject to the terms of the Monitoring Plan appended to the Reasons for Final Decisions;

THAT the NMRWB shall, jointly with the EMRWB, re-evaluate the foregoing decisions and consider the adoption of additional or varied measures to ensure the fulfilment of beluga management objectives where, prior to the expiration of the foregoing decisions:

- (a) certain circumstances defined in the aforementioned Monitoring Plan are triggered; and
- (b) harvesting levels of Eastern Hudson Bay beluga throughout the NMR and in areas outside the NMR where Eastern Hudson Bay beluga migrate, reach a level of take that it at odds with the objectives of the foregoing decisions;

THAT the NMRWB shall, in collaboration with the EMRWB, make best efforts to ensure that parties to the co-management system with responsibility in relation to the monitoring and implementation of the foregoing decisions, as well as representatives of those with rights and interests in relation to beluga (specifically Nunavik Inuit and Cree of the Eeyou Istchee) meet annually with the NMRWB and EMRWB to evaluate the effectiveness of the foregoing decisions and their implementation;

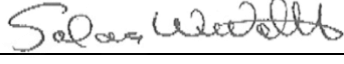
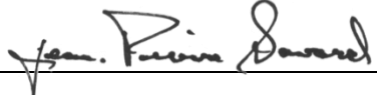
THAT each year, the beluga harvesting season shall be from February 1 of one year to January 31 of the following year;

THAT the foregoing decisions shall be effective for a period of five (5) years from their

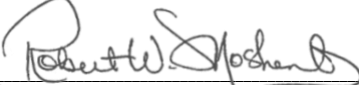
coming into force, unless additional information presented to the NMRWB and the EMRWB required the foregoing decisions to be revised or modified;

THAT the foregoing decisions shall come into force upon their approval by the Minister in accordance with the provisions under part 5.5.13 of the NILCA and section 15.3.8 of the EMRLCA;

IN WITNESS WHEREOF the foregoing resolution to establish a Total Allowable Take for beluga and Non-Quota Limitations in the JOINT INUIT/CREE ZONE has been reviewed by members of the NMRWB and voted upon as follows:

	In Favour:	Oppose:	Abstain:
Harry Okpik: <u></u>	[X]	[]	[]
Salamiva Weetalutuk: <u></u>	[X]	[]	[]
Jean-Pierre Savard: <u></u>	[X]	[]	[]

Date of adoption: September 25, 2020


A/Chairperson Robert Moshenko

Appendix A

Reasons for Final Decisions

See accompanying document "BelugaReasonsforFinalDecisions2020-2026.pdf"

Appendix B

Boundaries of the Eastern Hudson Bay Arc Region

Eastern Hudson Bay Arc		
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

Appendix C

Boundaries of Little Whale River Estuary

Little Whale River Estuary closed area		
35	55°59'00" N	76°48'13"W
36	55°59'00" N	76°49'20"W
37	56°01'15" N	76°49'20"W
38	56°01'15" N	76°43'48"W

Appendix D

Boundaries of the Kuujjuaraapik Pilot Project

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