

In the response to the Boards' Final Decision, your predecessor varied certain aspects of the decision and added new measures. While the Boards were pleased that the framework of the decisions remained intact, there was significant concern with some of the variations and additions to our Final Decisions as it was believed that these would frustrate the overall goals and effectiveness of the system. One addition that caused particular concern was the addition of a Non-Quota Limitation ("NQL") of an annual hunting closure for Hudson Strait for December and January. Indeed, at the time when the Ministers decision became public, there were numerous objections to the December 1 – January 31 hunting closure in Hudson Strait NQL, from both a procedural perspective, and a substantive management perspective. The objections raised from a procedural perspective by the Boards and Nunavik co-management partners and rights holders

included but are not limited to the following:

- 1) there was no consultation by DFO with Indigenous rights holders on the measure. This lack of communication and consultation with users and rightsholders jeopardizes trust with the communities and thereby risks the success of management measures entirely
- 2) Throughout the NMRW/EMRWB public hearing on the Beluga and throughout the decision-making process where DFO has observers present and where between the initial decision and the final decision it is imperative that DFO fully and transparently participate, the idea of introducing a winter closure was never raised with the Board. This was not a variation of a decision as permitted under article 5.5.12 of the NILCA and 15.3.7 of the EMRLCA, it was the unilateral addition of a new NQL. Had there been discussion on this NQL during the public hearing, or during the exchange as contemplated under sections 5.5.6 to 5.5.12 of the NILCA, the NMRWB would have been able to make it clear that from our perspective, this closure would put the success of the management system at risk.

The above procedural issues are concerning to the Board, and it was important that we highlight them in this letter. However, the procedural issues do not form part of the Board's reason for reassessing the December-January closure of Hudson Strait. Rather, the Board's reassessment is based on substantive management concerns that the NQL does not achieve the goal of decreasing hunting pressure on the EHB stock, and it may actually increase pressure on the stock. Indeed, while the Board understands the intentions of DFO to reduce EHB harvest levels, other more effective management measures were put in place by the NMRWB to avoid over-harvesting of the EHB stock.

As part of the 2021-2026 Beluga Management system, the Boards are committed to an annual review of the effectiveness of the system and its implementation in light of the goals and objectives, and to assess whether changes are needed. This review is undertaken with all major co-management partners and allows this plan to be adaptive and responsive. At the first annual review meeting in April 2022, comments and dissatisfaction around the winter closure were shared by the rights holders. Rights holders emphasized the confounding effect the measure has on reducing hunting pressure on the EHB stock. The Board was provided with several reasons why the December January closure was not an appropriate or effective part of the management system including the following:

1. The migratory pattern of EHB beluga is such that most beluga have already passed through Hudson Strait, and any hunting that occurs during the December-January closure is much more likely to be from other stocks;
2. The timing of the closure puts pressure on LNUKs to open their community hunt as early

as possible (November 1st), and encourages hunters to take their earliest opportunity to hunt, which puts added pressure on the earlier migrating EHB stock;

3. The closure in January is likely to only limit a rare but traditional style of hunting that occurs if beluga are caught in an ice entrapment, with a high chance of mortality;
4. Following from the above, the regulation limits Nunavik Inuit harvesting rights without affecting a conservation purpose.

As a result, the NMRWB determined that the circumstances were such that the Board had to reconsider the NQL and to best gather the information to do so, the Board decided to hold a public hearing on the issue of the removal or modification of the annual December 1 - January 31 closure of beluga hunting in Hudson Strait NQL in accordance with the Board authority under s. 5.2.3(e) and 5.2.19 of the Nunavik Inuit Land Claims Agreement ("NILCA").

A hybrid written and oral public hearing was launched on June 29th, 2022. On July 20th a virtual hearing session was held to allow Nunavik Inuit and LNUK to ask questions and make submissions. This hearing was broadcast over community public radio for all Nunavik Inuit and residents to hear and participate if they chose to. All supporting documents relevant to this Public Hearing, the hearing rules and schedule are available from the NMRWB's website (<https://nmrbw.ca/beluga-HSclosure-hearing/>). Written submissions were received from DFO, Makivik, RNUK and four LNUKs and are also available on the website. The hearing ended on August 23, 2022. Deliberation and decisions based on the hearing record were made during an in-camera Special Meeting held on August 29th, with NILCA-designated observers present.

Decision of the NMRWB

In accordance with the obligations of the NMRWB as defined in the NILCA, the NMRWB has decided, as evidenced by the attached Resolution, to remove the NQL of the December 1 – January 31 closure in Hudson Strait.

Reasons for decision

The goal of the management system is to preserve the migratory Eastern Hudson Bay beluga stock while preserving the harvesting rights of Nunavik Inuit to the fullest extent possible as required in the NILCA. One important area of pressure on the EHB stock is the harvest during the early Fall in Hudson Strait, as the EHB whales migrate somewhat earlier than the more abundant Western Hudson Bay (WHB) stock, and are at risk of relatively higher harvest levels during the early days of the fall hunting season. This is why the Board considered it necessary in 2020 to put in place a closure in early Fall, to limit hunting. An equally important part of the success of the 2021-2026 management system is working with communities to further reduce harvesting during the early fall period by having the LNUKs open the hunt at the most opportune time to ensure EHB harvest is avoided as much as possible. The LNUKs are best positioned to determine

opening dates for the hunt, and the Board can see no other realistic way to effectively limit EHB harvest, while not unduly limiting Inuit harvesting rights. Both Inuit Knowledge and scientific data informed these measures, and the success relies on both the Board-determined early fall closure, and community-determined opening dates in November. This approach in early fall when the EHB stock is migrating helps direct hunting effort on the WHB stock instead of on the EHB stock. However, the Board believes this will only be successful if there is no impending closure. The December - January closure puts pressure on the hunters to harvest as soon as possible in November, when the EHB first begin to arrive in Hudson Strait before the WHB stock, thus increasing EHB harvest levels. In other words, while a closure at this time could potentially and minimally reduce the EHB harvest, this will likely be surpassed by the extra harvest in early November from hunters using any opportunity during a limited timeframe to address their subsistence needs. This problem would be aggravated in a year when migration is occurring later than usual. Therefore, the Board respectfully but firmly disagrees with the reasoning around the Hudson Strait winter closure to further reduce the risk of overharvest on the EHB beluga stock as the information does not support this measure.

Furthermore, notwithstanding the issues presented above, the winter closure would likely not have a measurable positive effect in improving the long-term viability of the EHB stock. Both harvest levels, and proportion of EHB in the harvest, are much lower in December compared to November. Further, any harvesting in January is likely to be from an ice entrapment where the beluga would already be facing a high chance of mortality.

An area of concern raised by DFO during the public hearing was in relation to the increased EHB harvest in the first year of the new system, and fear that these EHB harvest levels may continue, or increase. However, this trend is not new, but rather a continuation from the past several years; under the TAT system, the EHB harvest was increasing year-to-year, which showed the need for a new system and new solutions. Despite this, in the submission to the public hearing, DFO stated that "...harvesting patterns are difficult to predict and there is risk in changing management measures too quickly. Given the status of the EHB beluga stock, an increase in harvest is unacceptable from a conservation perspective." Notwithstanding that this statement is problematic, as the former TAT system failed to limit the trend of annually increasing EHB harvest, we also respectfully remind DFO that the principles of conservation defined in the NILCA differ from those in other contexts. Under NILCA 5.1.5 b), one of the principles of conservation "the maintenance of vital, healthy wildlife populations capable of sustaining harvesting needs...". The Board is of the view that if an increased harvest over the short-term leads to a more effective management system in the long-term, then it is acceptable as long as it is the best way to maintain vital and healthy populations. In their 5-year management decisions, the Board acknowledges that the harvest may increase in the first years while the communities are settling

in the new system, and expects that it would plateau and decrease towards the end of the 5 years. The Board has been transparent with this approach, and is being realistic with its long-term vision to reduce the pressure put on the EHB stock.

The final decision and management system was varied by your predecessor with the intention of implementing stronger conservation measures. However, the winter closure was not a measure imagined by or even proposed to the Board, and in its view, is counter-productive to the conservation of EHB beluga, and limits Nunavik Inuit hunting more than necessary. There are other ways indicated in the system designed to manage harvest levels. For example, the threshold and the locally developed bylaws, which offer more buy-in from the communities, are critical for the success of the management system. The December/January closure contradicts the LNUK efforts to create by-laws and reflects a top-down measure which does not effectively meet a conservation purpose. In the context of beluga management in the NMR, the Board believes that the most effective management will come from the bottom-up approach, and be driven by Nunavik Inuit.

In accordance with 5.5.7 of the NILCA, we forwarded to you our decision. As you reflect on this decision and beluga management in the NMR more generally we remind you that the Board is constituted with members appointed by Makivik, the Government of Canada and the Government of Nunavut (the NILCA signatories), and they possess collective wisdom, experience and expertise in both the areas of Indigenous science and knowledge and western/Euro-Canadian science, making them best situated to make decisions that meet the spirit and intent of the NILCA. Likewise, the Board is best positioned to make decisions that meet the needs of Nunavik beluga and the people of Nunavik and Canada. We remind you of your duty to consult Nunavik Inuit prior to making your decisions, as well as your obligation to only restrict Nunavik Inuit harvesting where necessary to affect a conservation purpose. You have an opportunity to show true acts of reconciliation by trusting in Nunavik Inuit stewardship of their resources.

Thank you for your diligent participation and compliance with the NILCA and its processes. Further we acknowledge the participation of your departmental staff who continue to participate in the Board meetings and hearings as the Board fulfill their mandate under the NILCA.

Sincerely,



Iola Metuq

Chairperson,
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Cc. Patrick Vincent, Regional Director General, DFO Quebec
Felix Dionne, Coordinator, Aboriginal Fisheries, DFO Quebec,
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Attachments:

1. NMRWB Resolution #2022-08-01: Resolution of the NMRWB to Remove
2. 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).