

July 23<sup>rd</sup>, 2015

Honourable Leona Aglukkaq  
Minister of the Environment  
Government of Canada

Honourable Johnny Mike  
Minister of Environment  
Government of Nunavut



*Sent via electronic mail*

**Re: Establishing a Total Allowable Take and Non-Quota Limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region.**

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Dear Ministers,

As you are aware, Canada's Minister of Environment, in 2012, instructed the Nunavik Marine Region Wildlife Board ("NMRWB") to establish a management system for polar bear (including the establishment of a Total Allowable Take ("TAT")) within the Nunavik Marine Region ("NMR"). Although the NMRWB undertook forthwith to do so, the process has been lengthy and your patience on this file is appreciated.

After considerable time and effort, the decision has now been finalized by the NMRWB and the Eeyou Marine Region Wildlife Board ("EMRWB"). Note that the decision-making process initially envisioned by the NMRWB was adjusted to ensure that the provisions of the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area ("Cree/Inuit Overlap Agreement"), of section 28.8 (b) of the Nunavik Inuit Land Claims Agreement ("NILCA") and of section 30.6 (b) of the Eeyou Marine Region Land Claims Agreement ("EMRLCA") were respected.

As you will recall, following its public hearing the NMRWB issued a request for additional submissions to determine which Minister should receive the present decision. Based on your respective responses, and given the complex jurisdictional questions in this portion of Hudson Bay, the decision is being issued jointly to the Federal (under sections 5.5.6 - 5.5.13 of the NILCA and sections 15.4.1 - 15.4.9 of the EMRLCA) and to the Territorial (under sections 5.5.14 - 5.5.21 of the NILCA and sections 15.3.1 - 15.3.8 of the EMRLCA) Ministers of Environment under the parallel mechanisms set out in the Land Claims Agreements. All documents obtained through the public hearing process are available for download on the NMRWB website.

Please confirm receipt of this decision and do not hesitate to inquire should you have any questions.

Sincerely,

**Josepi Padlayat**  
Chairperson,  
Nunavik Marine Region Wildlife Board

**Roderick Pachano**  
Chairperson,  
Eeyou Marine Region Wildlife Board

Cc. Basile van Havre, Director Population Conservation and Management, Environment Canada;  
Gabriel Nirlungayuk, Deputy Minister, Nunavut Department of Environment.



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CONSEIL DE GESTION DES RESSOURCES  
FAUNIQUES DE LA RÉGION MARINE D'EYYOU  
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## **Establishing a Total Allowable Take and Non-Quota Limitations for Southern Hudson Bay Polar Bears, Within the Nunavik Marine Region.**

**2015**

**RELEVANT DECISIONS:**

**FOR AREAS NOT INCLUDED WITHIN THE CREE/INUIT OVERLAP AGREEMENT:**

**NMRWB Resolution #2015-06-14 & #2015-06-15:**

**BEFORE:**

- Jean-Pierre Savard - EC appointed member
- Robbie Tookalak - Makivik appointed member
- Robert Moshenko - DFO appointed member
- Quitsaq Tarriasuk - Makivik appointed member

**JUNE 4, 2015**

**NMRWB Resolution #2015-07-05:**

**BEFORE:**

- Jean-Pierre Savard – EC appointed Member
- Robert Moshenko – DFO appointed Member
- Quitsaq Tarriasuk – Makivik appointed Member
- Sandy Akavak - GN appointed Member

**July 21, 2015**

**FOR AREAS INCLUDED WITHIN THE “INUIT ZONE”:**

**NMRWB RESOLUTION #2015-07-03:**

**BEFORE:**

- Josepi Padlayat – Chairman
- Jean-Pierre Savard - EC appointed Member
- Johnny Peters - Makivik appointed Member
- Robert Moshenko - DFO appointed Member
- Quitsaq Tarriasuk - Makivik appointed Member
- Sandy Akavak - GN appointed Member
  
- Alan Penn - CDO designated observer to the NMRWB

**July 21, 2015**

**FOR AREAS INCLUDED WITHIN THE “JOINT ZONE”:**

**NMRWB Resolution #2015-07-07**

**BEFORE:**

- Josepi Padlayat – Chairman
- Jean-Pierre Savard - EC appointed Member
- Johnny Peters - Makivik appointed Member
- Robert Moshenko - DFO appointed Member
- Quitsaq Tarriasuk - Makivik appointed Member
- Sandy Akavak - GN appointed Member

**July 21, 2015**

**EMRWB Resolution #WB-2015-07-10**

**BEFORE:**

- Roderick Pachano - Chairman
- Aurélie Bourbeau-Lemieux - GCC appointed Member
- Bert W. Moar - GCC appointed Member
- Claude Saint-Charles DFO appointed Member
- Isaac Masty - GCC appointed Member
- Jules Dufour - EC appointed Member
- Peter Kattuk - GN appointed Member

**July 21, 2015**

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## 1. PREAMBLE

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In January 2012 Canada's then Minister of Environment, the Honourable Peter Kent, requested that the Nunavik Marine Region Wildlife Board ("NMRWB") undertake to establish a formal management system for polar bears in the Nunavik Marine Region ("NMR"). As part of this management system, he directed the NMRWB to establish levels of Total Allowable Take ("TAT") for all three polar bear sub-populations that occur within the NMR.

Given the unusually large harvest of polar bears which occurred in Southern Hudson Bay ("SHB") during 2011, the NMRWB concluded that its efforts should be concentrated on the establishment of a TAT for the SHB polar bear sub-population. Unforeseen delays in the conduct and analysis of an aerial survey resulted in delays to the NMRWB process.

The NMRWB held a public hearing towards the establishment of a TAT for SHB polar bears during February 2014. The hearing was intended to ensure that all interested parties were afforded a fair and meaningful opportunity to provide their input into the process. The hearings also allowed the NMRWB to confirm whether all of the best information was available to be considered in its decision.

Having considered the information and perspectives presented in the context of the public hearing, the NMRWB identified several key pieces of information that had not been tabled and which were necessary for the present decision. As a result, undertakings were issued to a number of the parties present at the public hearing. Additionally, it was concluded that while Nunavik Inuit possessed a wealth of knowledge about polar bears very little of it had been documented and presented to the Board. Because the NMRWB must give full consideration to the knowledge, traditions and hunting practices of Nunavik Inuit, its staff undertook to conduct interviews with hunters from Kuujuaapik, Umiujaq and Inukjuak and prepare a summary of Nunavik Inuit knowledge (IK) of polar bears.

All parties to the hearing were subsequently afforded a reasonable opportunity to provide comments related to the new information introduced into the hearing process (i.e. additional undertakings, Inuit knowledge of polar bear, etc.) before the NMRWB reconvened for decision-making.

The document that follows briefly explains the rationale behind the NMRWB's decisions, and reports the evidence that was considered in reaching those decisions.

## 2. RELEVANT PROVISIONS OF THE NUNAVIK INUIT LAND CLAIMS AGREEMENT

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As the main instrument of wildlife management for the NMR, as established under the Nunavik Land Claims Agreement (the “NILCA”), the NMRWB has exclusive authority over the establishment, modification or removal of levels of TAT and non-quota limitations (NILCA s. 5.2.3). In the course of fulfilling this mandate, the NMRWB may express the TAT for a species stock or population by any method that the NMRWB considers appropriate (NILCA s. 5.2.11). Further, when establishing non-quota limitations, the NMRWB must not unduly or unreasonably constrain the harvesting activities of Nunavik Inuit (NILCA s. 5.2.21).

All decisions made by the NMRWB must be reviewed, approved and given effect by the Government as, in accordance with section 5.1.2 (j) of the NILCA, the Government has ultimate responsibility for wildlife management. However, the Government’s authority must be exercised in accordance with the provisions of the NILCA and Article 5.

The objectives of wildlife management systems established under the NILCA are detailed in section 5.1.3, and seek to establish a system that, among others:

- (a) defines and protects Nunavik Inuit harvesting rights;
- (b) is governed by and implements the principles of conservation;
- (c) reflects levels, patterns and the character of Nunavik Inuit harvesting;
- (f) recognizes the value of Nunavik Inuit approaches to wildlife management and Nunavik Inuit knowledge of wildlife and wildlife habitat and integrates those approaches with knowledge gained through scientific research;
- (h) provides for public participation and promotes public confidence in wildlife management, particularly amongst Nunavik Inuit;

The decision-making process is further governed by section 5.5.3 of the NILCA which stipulates that decisions of the NMRWB, or a Minister, in relation to the establishment, modification or removal of a TAT shall restrict or limit Nunavik Inuit harvesting **only to the extent necessary**:

- (a) to effect a conservation purpose in accordance with sections 5.1.4 and 5.1.5;
- (b) to give effect to the allocation system outline in Article 5, to other provisions of Article 5 and to Articles 27, 28, and 29; or
- (c) to provide for public health or public safety.

A significant portion of the range for SHB polar bears occurs outside the NMR, as such the NMRWB must take into account the harvesting activities outside the NMR and the terms of pertinent inter-jurisdictional or international agreements when establishing a TAT (NILCA s. 5.5.4.1).

As well, much of this area (see Figure 1) is governed pursuant to the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area between the Crees of Eeyou Istchee and the Nunavik Inuit (“the Cree/Inuit Overlap Agreement”). Consequently, decisions for the “Inuit Zone” must allow the Crees of Eeyou Istchee to have an effective voice and participation (s.4.5 and 7.4 of the Cree/Inuit Overlap Agreement) and those for the “Joint Zone” must include full participation of the Eeyou Marine Region Wildlife Board (s.4.4 and 7.5 of the Cree/Inuit Overlap Agreement).

Finally the NMRWB, in establishing a TAT and considering its allocation, must presume as a matter of fact and without further evidence that Nunavik Inuit need the entire TAT for polar bear (NILCA s.5.3.7 (c)).

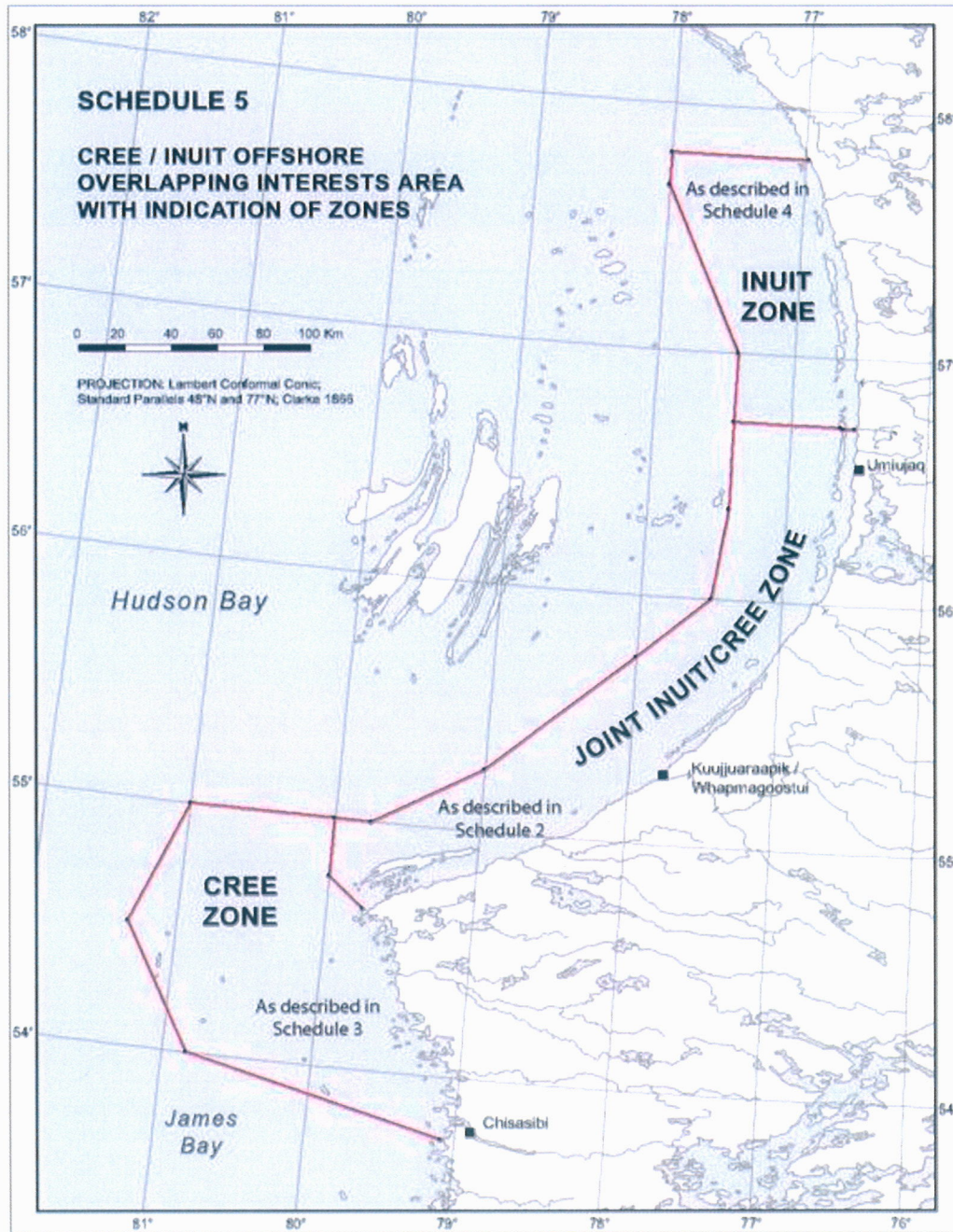


Figure 1 - Map of the Cree/Inuit Overlap Area



### **3. BACKGROUND AND CONTEXT**

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Recognizing the constitutionally protected nature of Nunavik Inuit harvesting rights (*Constitution Act 1984*, section 35), the NILCA sets out specific criteria by which the NMRWB, or a Minister, can restrict or limit Nunavik Inuit harvesting.

In 2009, polar bears were listed as being ‘Vulnerable’ under the Quebec’s *Loi sur les espèces menacées ou vulnérables* and ‘Threatened’ under Ontario’s *Endangered Species Act*. Similarly, Canada listed polar bear as ‘Special Concern’ under the *Species at Risk Act* in 2011. In all cases, these designations imply that polar bears are not immediately threatened with extinction, but that certain conservation concerns must be addressed to ensure survival of the species.

In Canada, polar bears are managed by management unit, the boundaries of which are based largely on known movement patterns of polar bears within each of these regions (obtained from harvest reports of tagged bears and through telemetry studies). Although the boundaries for three sub-populations extend into the NMR, and though the NMRWB remains committed to the implementation of a TAT for the Davis Strait and Foxe Basin management units, the present decisions are made exclusively with regards to SHB polar bears.

The NMRWB’s decision is based on the best-available information presented during the course of its public hearing and through additional undertakings that followed. A summary of this information is provided below. We also provide a list of the documents submitted to the NMRWB during this process and which were considered when rendering the present decision; any, or all, of these can be made available upon request.

### **4. BIOLOGICAL INFORMATION CONSIDERED**

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#### **4.1 POPULATION SIZE AND TREND**

Aerial surveys initiated along the Ontario coastline in the 1960’s suggest an increasing trend between 1963 and 1990; this is based on a relative index of abundance rather than true population estimates, due to survey design (Obbard et al. 2013). Nunavik Inuit reported a similar increase in polar bears beginning in the 1960’s, and most notably since the 1980s. Inuit, particularly those from Kuujjuaraapik, stated that the creation and operation of the Royal Canadian Air Force base at Kuujjuaraapik (QC) drove the bears away and that they have been slowly returning to the area since its closure.

Actual abundance estimates have been calculated on only three occasions. The first two (1984-1986 and 2003-2005) consisted of capture-recapture studies conducted along the Ontario coastline (where the majority of the SHB bears are thought to summer). Obbard (2008) reported that the SHB subpopulation had remained relatively stable based on the results of the 1984-1986 estimate (634, 95% CI = 390-878) and the 2003-2005 study (673, 95% CI = 396-950). It should be noted, however, that for management purposes, the Canadian Polar Bear Technical Committee adjusted 1984-1986 estimate upwards to 1000 due to the limited spatial coverage of the survey.

Though spatial coverage of the 2003-2005 study was improved, it also did not include any capture efforts at Akimiski Island nor at the Twin Islands. The submissions provided by the Ontario Ministry of Natural

Resources and Forestry (OMNRF) indicate that, at the upper confidence limit, the SHB population numbered approximately 1000 animals in 2005 (based on the 2003-2005 estimate, plus a population estimate of 110 (95% CI = 75-195) derived from a collaring effort in 1998-1999 on Akimiski Island and Twin Islands).

The latest population estimate was derived from aerial surveys of the Ontario and Quebec coastlines as well as over most islands within the range of SHB polar bears. Due to logistical constraints, the surveys for Ontario and Quebec were conducted in 2011 and 2012, respectively. Compilation of the survey results yielded a new population estimate of 951 (95% CI = 662-1366) individuals. Based on this estimate, and in light of the historical information, Dr. Martyn Obbard felt that this subpopulation has remained relatively stable since the 1980's.

Inuit, on the other hand, report that while the population grew somewhat from the 1960's until the 1980's, the increase has been especially marked since that time; this view was shared by all Nunavik Inuit communities in SHB. The Makivik Corporation provided excerpts from the transcripts of interviews conducted during implementation of the James Bay and Northern Quebec Agreement (during the early 1980's). These indicate that the polar bear population was already growing near Inukjuak but that their presence, even in areas where bears are abundant today (e.g. Elsie Island), remained somewhat of a rarity. Representatives from Sanikiluaq (Nunavut) indicated that a sizeable increase in the polar bear population had also been observed in their region since the 1960's. Together, these observations suggest a regional trend rather than changes in the local abundance near certain communities. Many Inuit feel that this increase is related to the abundance of ringed seals in SHB (unpublished DFO aerial survey results suggest a population of over 100,000 ringed seals in the SHB range – M. Hammill, pers. comm.), but also due to changes in winter sea ice dynamics caused by the James Bay hydroelectric projects. This is particularly true in the Inukjuak area where hunters believe polar bear habitat has improved because there are now more expanses of open water, and therefore more frequent foraging opportunities.

Inuit Traditional Knowledge indicates that polar bears occur inland in Nunavik and that denning is observed along this coast. Although both the current and previous population estimates (which historically assumed that few/no polar bears occur in Nunavik during the time of estimation (early fall)) may be negatively biased by insufficient spatial coverage, it is not currently possible to determine whether the bias would significantly impact the population estimate.

Based on the evidence presented above, the NMRWB considers that the SHB polar bear population has at least remained stable since the 1984-1986 survey, but feels that there is relatively strong evidence to suggest that the population has in fact increased since that time.

#### **4.2 OTHER BIOLOGICAL INDICATORS OF POPULATION HEALTH**

Though it appears from population estimates that the SHB polar bear numbers are healthy, Dr. Obbard's long-term data suggests that their body condition is deteriorating. Inuit, on the other hand report very few encounters with sick or skinny bears and have not observed a similar trend.

Information collected along the Ontario coast, during autumn, indicates that there has been a marked decline in the body condition for all age and sex classes of polar bears. Dr. Obbard's findings indicate that solitary (pregnant) females have suffered the largest declines. A 2006 publication on trends in body

conditions showed that this trend was apparent between the 1984-1986 and 2000-2005 surveys (Obbard et al. 2006), and at the NMRWB public hearing, Dr. Obbard presented evidence that this trend continued until at least 2009. Despite the observed trend, it should be noted that the 2006 report found no significant relationship between the duration of ice-cover and timing of ice-melt with body condition of SHB bears.

Additional undertakings from the Nunavut Government showed that polar bears harvested in Sanikiluaq between 2009 and 2014 showed no apparent trend in body condition and that bears were in average to above-average body condition (based on a standard 5-scale subjective ranking system). Though, earlier data is not available from SHB bears harvested by Nunavut Inuit, this is in line with the observations by Nunavik Inuit who have noted no apparent declines in the body condition of bears they have harvested. While hunters report that there is significant year-to-year fluctuation in the condition of polar bears, none feel that the bears are skinny compared to the past.

The observed declines in body condition in Ontario suggest that SHB polar bears are less healthy than the population estimate alone suggests. However, the available information about reproductive rates, based on observations in Ontario and Nunavik, also suggests a healthy population. According to Inuit, litter size for SHB polar bears has increased compared to the past. Hunters report that females generally have two cubs and that it is not uncommon to see bears with three cubs. Historically, it was rare to see a female with more than one cub. Data collected during the last aerial surveys differs somewhat and suggests average litter sizes of 1.56 (SE: 0.06;  $n = 70$ ) and 1.54 (SE: 0.08;  $n = 54$ ) for cubs-of-the-year and yearlings, respectively (Obbard et al. 2013). Although the scientific information is less reassuring than Inuit knowledge, these litter sizes are in line with those reported for the Foxe Basin management unit, which is considered to be among the healthiest.

A correlation between survival rates and spring ice breakup date has been demonstrated for some cohorts of the Western Hudson Bay population (juvenile, sub-adult, and senescent adult bears). Therefore concerns have been raised in regard to the possible effect of a shortened duration of sea-ice cover, in particular an earlier spring break up, on SHB polar bears. Though there is a significant trend towards an earlier break-up and later freeze-up of sea ice throughout much of Hudson Bay, it is most pronounced in the areas used by WHB bears. There currently exists some evidence to suggest that the survival rates of SHB bears are declining, but no significant correlation has been drawn with the observed trends in sea ice cover, possibly due to less remarkable change in spring break-up date in SHB (Obbard 2008). Nonetheless concerns remain about future impacts of these changes in ice cover.

## **5. CULTURAL AND SOCIO-ECONOMIC CONSIDERATIONS**

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Nunavik Inuit have a long history of harvesting polar bears and speak about the importance of polar bears for their cultural and economic well-being and for food security. During the IK interviews hunters indicated that these benefits have been drawn from polar bears for a long time, and stressed the importance of continuing the hunt, especially for the well-being of young hunters. Hunters from Kuujuaapik, Umiujaq and Inukjuak also spoke about polar bear hides that they had kept for clothing or other traditional purposes. In all communities, and particularly Inukjuak, hunters spoke about the importance of polar bear meat and said that meat from un-tranquilized bears continues to be shared and

distributed with the whole community. Several hunters stated that polar bears occasionally come into their communities and Nunavik Inuit have expressed safety concerns associated with increased presence of these predators, adding that bears have also been responsible for the destruction of several cabins. Nunavik Inuit also emphasized that these encounters continue to be somewhat of a rarity thanks to their hunting practices, which instill a fear of humans in the bears and have kept the population at reasonable size.

## **6. HISTORICAL HARVEST LEVELS IN THE SHB MANAGEMENT UNIT**

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SHB polar bears are harvested throughout their range, though primarily by Inuit in Nunavik and Nunavut. There was no participation from Ontario Cree at the public hearing, and they have provided minimal input to the process, making it difficult to fully consider their historic take. However, according to submissions made to the public hearing, it has historically been assumed that Ontario Cree harvested 9 bears per year, though the actual level of harvest is likely much lower. In more recent voluntary agreements their annual take has been set at 5 bears in 2011/12, 2 bears 2014/15 and 1 bear for 2015/16.

In the Cree Trapper's Association submission, Quebec Cree noted that they have historically had an allocation of 4 established as the Guaranteed Harvest Level under the JBNQA. In the harvest data provided by Quebec's Ministère des Forêts, de la Faune et des Parcs (MFFP), Quebec Cree reported a catch of 10 bears between 1985 and 2014; most were from recent years and, many were the result of defense kills. The Quebec Cree had agreed to a voluntary limit of 4 bears for 2011/12 and in the most recent agreement have agreed to a maximum take of 1 bear for 2014/15 and 2 bears for 2015/16.

Sanikiluaq has had a more formalized management system in place for over 40 years, and has had a total allowable harvest of 25 polar bears since at least 1991/92 (this level of take was maintained in the 2011/12 voluntary agreement but Sanikiluaq representatives agreed to a reduced take of 20 bears in the 2014/15 voluntary agreement). The Sanikiluaq Memorandum of Understanding (MOU), a copy of which was submitted by the NWMB, indicates that the limit of 25 was based on a total allowable removal of 50 bears (assuming a population estimate of 1000 polar bears), of which 16 were assumed to be harvested in Quebec (Cree and Inuit combined) and 9 in Ontario. To the best recollection of hearing participants, the historical harvest level for Quebec (Inuit and Cree) was drawn from the Quebec Government's harvest records (*but see below*).

During the public hearing, questions were raised with regards to how the Nunavik Inuit harvest had been considered when Sanikiluaq's total allowable harvest was established, and if any consultations with Nunavik Inuit had taken place. Based on the undertakings submitted by the NWMB after the hearing, it was confirmed that the limit of 25 for Sanikiluaq was first established by the Government of the Northwest Territories (GNWT) and, pursuant to the Nunavut Land Claims Agreement, was later deemed to have been established by the NWMB. Subsequently the NWMB approved two MOUs for the management of SHB polar bears (in 1996 and 2004) and provided details on those discussions, though in both instances Nunavik Inuit were not active participants. Prior to the signing of the 1996 MOU the GNWT held a workshop (in 1994) where two Makivik representatives attended; however in the meeting minutes they emphasized that 'they were just observers to an at present NWT process'. The meeting minutes from the approval of the current 2005 MOU indicate that members requested information regarding the support

from other jurisdictions sharing the population and the response from the GN was ‘that there has been communications, but no formal objection to the new quotas’.

For Nunavik Inuit, harvest records from the MFFP reveal that Inukjuak has historically hunted the most polar bears, with a total of 458 being reported since 1985. This equates to an annual reported harvest of just under 20 bears, though there are a number of years in which harvests were significantly higher (i.e. 1988/89 = 45; 2009/10 = 36, etc.). During the same period, Umiujaq reported an overall total of 5 bears, whereas Kuujjuaraapik reported harvesting a total of 27 bears. Despite the history of harvest-monitoring undertaken by the MFFP, it became evident during the hearing that the levels reported do not fully reflected the total number of bears taken by Nunavik Inuit. This discrepancy is reportedly due to the fact that many hunters have only reported catches when wanting to sell their hides and therefore it is likely that few, if any, of the bears kept for traditional purposes have historically been reported.

Recognizing this matter, the NMRWB undertook further consultations with Nunavik communities to determine whether this practice has led to a significant underestimate of the Nunavik harvest. After meeting with LNUKs and interviewing several hunters and Elders, the NMRWB learned that the average harvest of SHB polar bears by Nunavik hunters could range anywhere between 28-45 bears per year (Inukjuak = 20-30; Umiujaq = 2-3 (one representative felt 6-8 was more accurate); Kuujjuaraapik = 6-7).

## **7. ADDITIONAL MANAGEMENT CONSIDERATIONS**

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A number of submissions to the NMRWB public hearing noted that a cautious management approach is warranted for this sub-population, given the trends in body condition and prolonged ice-free season. This opinion was shared by the Nunavut Department of Environment, Environment Canada, the OMNRF, MFFP, the World Wildlife Fund (WWF) and the Center for Biological Diversity (CBD).

Other submissions, notably those from Makivik and other Nunavik Inuit, shared differing views on the condition of bears and stressed that Inuit have always hunted polar bear sustainably according to traditional Inuit harvesting practices, referencing the stability of the SHB population as evidence. Interviews with hunters and Elders also reinforced that Nunavik Inuit have long established practices in place related to polar bear stewardship (e.g. seasonality of hunting, ethical treatment of bears, and avoidance of younger bears).

Nunavik Inuit, in the public hearing and during IK interviews, stated that the number of polar bears observed fluctuates between years, largely in response to environmental conditions. For example, in years when there are large areas of open water near communities, more bears are observed. Inuit have stressed that these fluctuations are a natural aspect of polar bear demography. Similarly environmental conditions (e.g. in years with large expanses of rough ice) can impact upon the ability of hunters to reach the floe edge where they would normally harvest bears.

Lastly, Nunavik Inuit have noted that the strict implementation of a fixed quota (e.g. in beluga management) has led harvesters to rush in order to ensure that they are can hunt before the quota is reached, or to ensure that their quota will not be reduced in subsequent years. Many fear that a similar approach to polar bear management will artificially increase the demand for polar bears and lead to a

higher level of harvest than would occur naturally; a flexible system which removes this urgency to some extent is preferred by Nunavik harvesters.

## **8. CONCLUSIONS**

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Although further work is needed to improve the way by which the knowledge of Nunavik Inuit is brought together with knowledge gained by scientific research for decision-making, the NMRWB has made significant efforts to give full consideration to knowledge from all sources throughout this process. The preceding text provided an overview of the biological, socio-economic and harvest information that was considered by the NMRWB in reaching its decision on the Total Allowable Take for Southern Hudson Bay polar bears. Since a comprehensive study of Nunavik Inuit Traditional Knowledge was not available to previous decision-makers, it is possible that aspects of the NMRWB decision differ from previous agreements while maintaining a similar management objective.

### **8.1 SETTING THE TOTAL ALLOWABLE TAKE**

Based on the information gathered during the public hearing process, the NMRWB concluded that the SHB polar bear subpopulation continues to be relatively healthy, despite environmental changes that have occurred. The NMRWB also considers that historical harvest levels (all regions combined) have been sustainable, given the apparent stability within the SHB management unit since at least the 1980's. It also became apparent that levels of Nunavik Inuit harvest are historically higher than reported by the, now, MFFP. Because they represent a larger proportion of the overall SHB harvest than was initially believed, they have consequently been misrepresented in previous harvesting agreements.

Based on these conclusions, and pursuant to NILCA s.5.5.3, the NMRWB has determined that the Total Allowable Take for SHB polar bears, in the NMR, should be set at 28. A limit of 28 reflects the low-end of estimated annual harvests by Nunavik Inuit (considered to be a conservative estimate of past harvests, and a level which has allowed the population to remain stable in recent years) and permits an allocation to the Crees of Eeyou Istchee.

Throughout this process, the Crees of Eeyou Istchee have made it clear that they are not regular polar bear hunters, but on occasion do harvest bears, and in defense of life and property. Although their take of polar bears within the "Joint Inuit/Cree Zone" and/or in the "Inuit Zone" has been limited (only one harvest has been recorded by the MFFP for the community of Whapmagoostui since 1985), the Cree of Eeyou Istchee continue to exercise their traditional activities within the Overlap Area. Considering this, the NMRWB considers that a mechanism is necessary to guarantee that the Cree right to defend life and property will be maintained within the "Joint Inuit/Cree Zone" and/or in the "Inuit Zone".

It is thus expected that the Regional Nunavimmi Umajulirijiit Katujjiqatigiinninga ("RNUK") and Cree Trapper's Association ("CTA") will jointly determine which portion of the TAT will be allocated to the Crees of Eeyou Istchee within the "Joint Inuit/Cree Zone" and/or in the "Inuit Zone". The frequency of such allocation-decisions shall be determined by the RNUK and CTA. Nothing in this decision precludes the RNUK and CTA from revising their allocations during the course of any given year, should the need to do so arise. Should the nature of Cree harvesting in the NMR change (i.e. should they begin to actively pursue polar bear hunting) or if there is a significant increase in the prevalence of defense kills, the NMRWB and

EMRWB would act jointly, and rapidly, to re-evaluate the TAT (and its allocation) for the Cree-Inuit overlap area.

## **8.2 THE IMPORTANCE OF FLEXIBILITY WITHIN THE MANAGEMENT SYSTEM**

The testimonies of Nunavik Inuit have clearly demonstrated that the TAT must be implemented within a flexible framework, such that its mechanisms can account for the inter-annual variations in the availability of bears and for defense kills in excess of the annual TAT. The NMRWB further considers that a flexible system will allow the TAT system to be implemented without creating a sense of urgency to hunt among hunters (similar to what has been witnessed in Nunavik's beluga hunt). Lastly, the NMRWB expects more thorough reporting of all kills within a flexible framework since there is no over-looming threat of sanctions (other than reduction of the TAT in subsequent years) in the event of an overharvest. This is not intended to promote or encourage overharvesting, but rather to recognize the realities that face Inuit harvesters.

The mechanism proposed by the NMRWB is straight-forward and will help ensure effective implementation at the community level. Simply,

- a. all human-caused mortalities will be deducted from the TAT (including any bears killed in defense of life and property);*
- b. if the sum of all human-caused mortalities exceeds the TAT in a given year, the following year's TAT will be reduced correspondingly;*
- c. if the harvest in a given year is below the TAT, an increase may be permitted the following year (subject to prior approval by the NMRWB (and/or another relevant authority, as agreed upon by the responsible Ministers) to ensure that doing so will not in itself create a conservation concern);*
- d. no more than five (5) tags may be transferred to subsequent years, even if the actual harvest is lower than the TAT by more than five bears;*
- e. When a transfer has been granted, credits will expire at the end of the next harvesting season (i.e. they cannot be accumulated over multiple years).*

## **8.3 ESTABLISHING A SEX-SELECTIVE HARVEST**

Although the TAH and credit system in Nunavut is based on a sex-selective harvest, the NMRWB does not feel that implementing a similar system is warranted at this time. In fact, since the MFFP harvest records show that Nunavik Inuit have historically harvested SHB polar bears at a 2:1 (male:female) sex ratio, legislating this requirement would be contrary to NILCA s.5.5.3. Although we have demonstrated previously that the MFFP harvest data was incomplete, there was no indication in any of the interviews conducted that reporting is biased in towards either of the sexes. As well, Nunavik Inuit have been adamant that a management system which directs hunters to target males (especially large males) would be unacceptable since, according to their knowledge, this practice upsets the natural balance of wildlife populations and tends to remove the fittest breeders. Consequently, the NMRWB proposes that the flexible TAT be applied without a requirement for sex-selective harvesting. Should future harvest records show that the Nunavik harvest of SHB polar bears is skewed more heavily towards females than is currently thought to be the case, the NMRWB will reconsider this position.

#### **8.4 MONITORING THE EFFECTIVENESS OF POLAR BEAR MANAGEMENT DECISIONS IN THE NMR**

Because significant environmental changes are occurring within the range of SHB polar bears, the NMRWB considers that its decision must be supported by a rigorous monitoring program that couples frequent scientific population estimates with regular assessments of Inuit/Cree Ecological Knowledge. This is needed to ascertain whether the conclusions reached by the NMRWB continue to be relevant in the future, and to ensure that harvest levels do not become detrimental to this sub-population. Research efforts on denning are also needed to quantify the importance of Nunavik and its offshore islands to the breeding ecology of SHB polar bears.

Similarly, should it become evident that the management system, or aspects of it (e.g. TAT, tag transfer mechanism, tag distribution process, sex biased harvesting), is generating undue pressures on SHB polar bears it must be revised immediately by the NMRWB and its co-management partners; this includes a review of management parameters whenever a revised population estimate (or TEK study) becomes available.

#### **8.5 SUMMARY - TOTAL ALLOWABLE TAKE DECISIONS**

- 1. the NMRWB hereby establishes an annual TAT of twenty-eight (28) polar bears from the SHB management unit, to be harvested in accordance with the NMRWB's proposed flexible TAT system; and*
- 2. it is assumed that at least one (1) polar bear, from the TAT of 28, will be allocated to the Crees of Eeyou Istchee within the Cree-Inuit Overlap Area and applied in accordance with the flexible TAT system described herein. The portion of the TAT allocated to the Cree of Eeyou Istchee, within the Cree-Inuit Overlap Area will be determined jointly by the RNUK and CTA.;*
- 3. this decision shall be in effect until new information is presented which would require this decision to be revised (including but not limited to new scientific or traditional knowledge reports that change our understanding of this subpopulation, natural mortality events, significant changes in harvesting outside of the NMR, etc.).*



## 8.6 OTHER NON-QUOTA LIMITATIONS

The NMRWB is presently engaged, with its co-management partners, in the development of a comprehensive polar bear management plan which will provide the necessary structures to implement the TAT. However, this may be a lengthy process and the NMRWB feels that a set of temporary non-quota limitations should be applied in the interim to avoid undue delays in the implementation of this decision. The majority of these non-quota limitations are adapted from the 1984 Agreement on polar bear hunting between the Quebec Government and the Nunavik Hunting, Fishing and Trapping Association and from recent voluntary agreements.

1. *The harvest of polar bears in this portion of NMR shall be restricted to Nunavik Inuit beneficiaries (or to the Crees of Eeyou Istchee, in accordance with the Cree-Inuit overlap agreement);*
2. *There will be mandatory registration of all bears killed, whether as part of the subsistence harvest or in defense of life and property (whether or not these are intended for sale);*
  - a. *All harvested polar bears must be reported as soon as possible after being killed;*
  - b. *Should a polar bear be killed in self-defence by any person not identified in item #1 (above), it must be reported immediately and the hide, meat and all other parts shall be forfeited to the nearest community's LNUK (as per NILCA s.5.3.35);*
3. *Polar bear hunting shall be permitted throughout the year; however, for administrative purposes, the harvest-year shall be from July 1<sup>st</sup> until June 30<sup>th</sup> of the following year;*
4. *Cubs, females with cubs, or bears that are less than two (2) years old shall not be killed, at any time of year, except in defense of life and property;*
5. *Polar bears may not be killed while in their dens. Furthermore, no one may disturb a denning polar bear, unless authorized to do so after consultation with the RNUK and approval by the NMRWB;*
6. *The handling or drugging of polar bears shall not be permitted within this portion of the NMR, unless there has been expressed prior consent by the affected LNUKs and the RNUK, as well as access approval by the NMRWB (NILCA s. 12.3.6).*
7. *Pursuant to NILCA s.5.7.4(d), the RNUK will allocate the TAT among the LNUKs;*
8. *Pursuant to NILCA s. 5.7.2 (d), each LNUK will allocate the TAT among its members (by any means it deems appropriate) and will ensure enforce these allocations as they see fit;*
9. *Pursuant to NILCA s.5.7.2(c) and 5.7.4(c), the LNUKs and RNUK may, respectively, impose additional non-quota limitations to their members (e.g. hunting seasons); such measures shall not conflict with those established by the NMRWB.*

The NMRWB considers that these limitations are fair and that they are necessary to give effect to the TAT allocation described previously, and to help ensure that these measures do not have undue impacts on the SHB polar bear subpopulation. By implementing strict reporting requirements the NMRWB aims to reduce the likelihood of under-reporting, while giving consideration to the Inuit lifestyle (e.g. registration could be delayed during excursions far from the community).

## APPENDIX 1 – THE PROCEEDING, PARTICIPANTS AND WITNESSES

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### THE PROCEEDING

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On January 10, 2012 a letter from the Honourable Peter Kent, Canada’s Minister of Environment, was sent to the NMRWB formally requesting that the Board establish a level of total allowable take for each subpopulation of polar bear in the Nunavik Marine Region and work towards the development of a formal, long-term harvest management regime. The NMRWB issued a public hearing notice on January 30<sup>th</sup>, 2012. It advised all co-management partners (and the public) that a hearing would take place and invited them to file written submissions/supporting documents in advance. The hearing was scheduled to take place on April 17-19, 2012 in Kuujuaapik, QC.

On February 22, 2012 the NMRWB issued a notice advising its co-management partners (and the public) of the Board’s decision to postpone the public hearing. This decision was made after learning that the results of a new population estimate would not be available in advance of the hearing. The NMRWB issued a second notice on November 16<sup>th</sup>, 2012 to advise all parties that the public hearing had been rescheduled for February 12-14, 2013. Unfortunately, the NMRWB was later informed that it would be impossible for the Ontario Ministry of Natural Resources to table its full report on the SHB survey results prior to the submission deadline. Parties were contacted individually to inform them that the public hearing had again been postponed indefinitely. Although submissions had been received from Nunavut Tunngavik Inc., the Nunavut Wildlife Management Board and the Sanikiluaq HTO, all were advised that they would be given the opportunity to file revised submissions once the hearing proceeded.

On December 19<sup>th</sup>, 2013 the NMRWB provided a third notice about the public hearing to consider establishment of a Total Allowable Take for SHB polar bears. The hearing would take place on February 12-14, 2014 in Inukjuak, QC. The NMRWB’s pre-filed documents (i.e. Minister’s request, hearing rules and survey report, etc.), as well as all written submissions were posted to the NMRWB website as soon as they were submitted and were made available to all interested parties. In total, 18 written submissions were received (some of which included additional supporting evidence) prior to the January 26, 2014 deadline. The in-person public hearing was held, as planned, on February 12-14, 2014. Most of the parties that had filed submissions attended the in-person hearing. As well, the NMRWB provided financial support to permit attendance by respected elders from the three Nunavik communities who harvest SHB polar bears.

The NMRWB held a post-hearing debriefing session on February 15<sup>th</sup>, 2015 to discuss the information that had been presented. During this time, it was agreed that key information was still needed in order for the NMRWB to render a decision on this matter. Seeking to fill these gaps, the NMRWB issued undertakings to a number of parties to gather the outstanding information. As well, the NMRWB undertook to conduct interviews of Inuit hunters in SHB, such that their Traditional Knowledge could be fully considered. A preliminary decision on the Total Allowable Take was made in October 2014.

Recognizing the need to give full effect to the wildlife management processes described in the Cree/Inuit Overlap Agreement (Article 28, NILCA) the NMRWB Director of Wildlife Management met with the Eeyou Marine Region Wildlife Board (“EMRWB”) Executive Committee on December 12<sup>th</sup>, 2014. During this meeting he explained the NMRWB’s process to date and the preliminary decision that had been reached. Although late in the process, he explained that the NMRWB was committed to ensure that the rights of the Cree of Eeyou Istchee were not infringed upon by this decision-making process.

The Director of Wildlife Management met with the EMRWB (all members) on March 13, 2015 in Montreal, QC. He again presented the NMRWB's preliminary decision and sought direction from the EMRWB on how to proceed with decision-making for the overlap area. It was agreed that a formal request-for-decision would be tabled at the next EMRWB meeting.

On May 29, 2015, following an informal discussion between representatives from the EMRWB, the Cree Nation Government and the NMRWB, the NMRWB sent a letter to members of the Grand Council of the Crees (and to the Cree Nation Government) seeking their input on the proposed decision-making process.

On June 4, 2015 the NMRWB proceeded to render decisions on the Total Allowable Take and relevant Non-Quota Limitations. Because the processes identified in the Cree/Inuit Overlap Agreement could not be fully adhered to in the context of an NMRWB-only meeting, these decisions would apply only to those portions of the NMR within the range of SHB polar bears, but not included in the overlap area, until approved by the Crees of Eeyou Istchee and the EMRWB.

On June 24, 2015 the NMRWB received a response from Mr. Bill Namagoose (Executive Director of the Cree Nation Government) in response to its May 29 letter. In this letter, the Crees of Eeyou Istchee proposed an alternative decision-making process which was more in line with the rights and procedures defined under the Cree/Inuit Overlap Agreement.

Having agreed that the mechanism proposed by the Cree Nation Government was appropriate, members of the NMRWB travelled to Montreal on July 21, 2015 in order to finalize the decision-making process. The NMRWB amended its original decisions to reflect the new process, which includes separate decisions for each area (i.e. the NMR outside of the overlap agreement, the "INUIT ZONE" and the "CREE/INUIT JOINT ZONE"). In the presence of an observer representing the Crees of Eeyou Istchee and with voting privileges, the NMRWB decision was extended into the "INUIT ZONE". Similarly, the NMRWB decision was adopted for the "CREE/INUIT JOINT ZONE" during a joint session of the NMRWB and EMRWB. Pursuant to section 28.8 (b) of the NILCA and section 30.6 (b) of the EMRLCA, the two boards sat together and rendered identical decisions for the "CREE/INUIT JOINT ZONE".

## **PARTICIPANTS**

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### **NMRWB Board members presiding over the public hearing:**

Jean-Pierre Savard, Quitsaq Tarriasuk, Robbie Tookalak, Robert Moshenko, Sandy Akavak

### **Other Participants**

The following participants also provided input to the NMRWB public hearing process (in writing, during the in-person hearing, or both):

#### **Environment Canada:**

Sue-Milburn Hopwood, Dr. Rachel Vallender

#### **Government of Nunavut (Department of Environment):**

Markus Dyck, Drikus Gissing

#### **Quebec Government (Ministère de la faune, des forêts et des parcs) :**

Clément D'Astous, Isabelle Thibault, Vincent Brodeur, Michel Bergeron, Charles Jutras

#### **Ontario Government (Ministry of Natural Resources):**

Leith Hunter

#### **Makivik Corporation:**

Adamie Delisle-Alaku, Andy Moorhouse, Gregor Gilbert

Regional Nunavimmi Umajulirijiit Katujjiqatigiinninga (RNUK):

Paulusie Novalinga, Johnny Arnaituk Jr., Jimmy Johannes, Eli Angiyou

Local Nunavimmi Umajulirijiit Katujjiqatigiinninga of Inukjuak:

Billy Palliser, Pauloosie Kasudluak, Danielie Oweetaluktuk

Local Nunavimmi Umajulirijiit Katujjiqatigiinninga of Umiujaq:

Simon Tookalak, Markusie Sala

Local Nunavimmi Umajulirijiit Katujjiqatigiinninga of Kuujuaaraapik:

Salamiva Weetaltuk, Alec Tuckatuck, Jimmy-Paul Angatookalook

Nunavut Tunngavik Inc. (NTI):

James Eetoolook, Glenn Williams, Richard Spaulding

Nunavut Wildlife Management Board (NWMB):

Ben Kovic, Michael D'Eça, Anna Magera

Qikiqtaaluk Wildlife Board (QWB):

James Qillaq

Sanikiluaq Hunters and Trappers Organization:

Lucassie Arragutainaq, Joe Arragutainaq, Peter Kattuk, Eli Kavik, Epoo Kattuk, Davidee Kavik

Cree Trappers' Association

Isaac Masty

Inuit Tapiriit Kanatami (ITK):

Terry Audla

World Wildlife Fund (Canada):

David R. Miller

Center for Biological Diversity:

Sarah Uhlemann

Public/Elders:

Danielie Inukpuk (Inukjuak), Lucassie Echalook (Inukjuak), Jobie Epoo (Inukjuak), Shaomik Inukpuk (Inukjuak), Adamie Inukpuk (Inukjuak), Simeonie Ohaituk (Inukjuak), Mosusie Alaku (Inukjuak), Lizzie Epoo-York (Kuujuaq).

**WITNESSES**

After realising that the Ontario Ministry of Natural Resources and Forestry did not intend to send a representative to the in-person hearing, the NMRWB requested the presence of Dr. Martyn Obbard during the in-person hearing. Dr. Obbard has led the vast majority of research about SHB polar bears.

**ORGANIZATIONS THAT DID NOT RESPOND TO NMRWB INVITATION**

- Attawapiskat First Nation
- Fort Albany First Nation
- Fort Severn First Nation
- Kashechewan First Nation
- Moose Cree First Nation
- Weenusk First Nation

## APPENDIX 2: ROSTER OF DOCUMENTS SUBMITTED TO THE HEARING

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### DOCUMENTS MADE AVAILABLE BY THE NMRWB

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1. Obbard et al. 2013. Estimating abundance of the Southern Hudson Bay polar bear subpopulation using aerial surveys, 2011 and 2012. OMNR Science and Research Branch, Wildlife Research Series 2013-01.

### SUBMISSIONS

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2. Alec Tuckatuck – Written Submission
3. Center for Biological Diversity – Written Submission
4. Cree Trapper's Association – Written Submission
5. Canadian Wildlife Service – Written Submission
6. Inukjuak LNUK – written submission
7. Inuit Tapiriit Kanatami – Presentation and Written Submission to the NMRWB.
8. Kuujjuaraapik LNUK – Submission by the Hunters of Kuujjuaraapik
9. Makivik Corporation – Written Submission
10. Nunavut Tunngavik Incorporated – Written Submission
11. Nunavut Wildlife Management Board – Written Submission
  - a. Appendix 1: Consensus from the Southern Hudson Bay Polar Bear Management Meeting, Inukjuak, 21 September 2011.
  - b. Appendix 2: July 2012 letter to the participants in the Southern Hudson Bay polar bear subpopulations management process.
  - c. Appendix 3: Polar Bear Management Memorandum of Understanding between the Sanikiluaq HTO and the Nunavut Department of Environment (2005).
12. Government of Nunavut – Written submission
13. Ministère des Forêts, de la faune et des parcs (Québec) – Written submission
14. Ontario Ministry of Natural Resources – Written submission.
15. Obbard. 2014. Estimating abundance of the Southern Hudson Bay polar bear subpopulation – NMRWB Public Hearing, February 12-14, 2014 (PPT presentation).
16. Qikiqtaaluk Wildlife Board – Written submission
17. Regional Nunavimmi Umajulirijiit Katujjiqatigiinninga – Written submission
18. Sanikiluaq HTO – Presentation: Southern Hudson Bay Polar Bear Management System. Sanikiluaq, NU.
19. Shaomik Inukpuk – Written Submission
20. Umiujaq LNUK – Written Submission
21. World Wildlife Fund Canada – Written Submission

## ADDITIONAL UNDERTAKINGS

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1. Government of Nunavut – Overview of body condition for bears harvested in Sanikiluaq.
2. Kuujjuaraapik LNUK – Additional considerations.
3. Lewis et al. 2006. Update of traditional knowledge on polar bears at Inukjuak and Puvirnituaq, Nunavik. Makivik Corporation Report #12-493 (AFSAR report).
4. Makivik Corporation – South Hudson Bay Polar Bear Traditional Inuit Knowledge Taken from Interviews to Inform the Land Use and Occupancy Study 1980-2001.
5. Makivik Corporation – Nunavik Reported Polar Bear Harvest Data 1970-2013.
6. MDDFP – Consensus from the Southern Hudson Bay Polar Bear Management Meeting, Inukjuak, 21 September 2011.
7. MDDFP – Hunting, Fishing and Trapping Coordinating Committee. Entente NEG n° 89-90A-01. Guaranteed Harvest Levels for the Cree.
8. MDDFP – Hunting, Fishing and Trapping Coordinating Committee. Entente NEG n° 85A-3F. Guaranteed Harvest Levels for the Inuit.
9. MDDFP – Hunting, Fishing and Trapping Coordinating Committee. Entente NEG n° 04-05:1. Guaranteed Harvest Levels for the Naskapi.
10. MDDFP – Laforest et al. 2014. Insights into polar bear biology from interviews with elders and hunters in the northern Eeyou Istchee marine region, Québec, Canada (*Abstract*).
11. MDDFP – Meeting minutes, March 29, 2012 teleconference. Collection of traditional knowledge for the polar bear survey 2012.
12. MDDFP – Memorandum: Polar Bear Regulations. Doc. 84-02. (the 1984 Agreement)
13. MDDFP – Quebec Polar bear harvest records for Southern Hudson Bay (1985 to 2014).
14. Nunavut Wildlife Management Board – Undertakings letter
  - a. Appendix 1: Polar bear harvest report for the Southern Hudson Bay subpopulation (Sanikiluaq from 1991/1992 to 1995/1996).
  - b. Appendix 2: Draft minutes from Polar Bear Workshop (May 24-26, 1994).
15. Nunavik Marine Region Wildlife Board – Nunavik Inuit Knowledge of Polar Bears: Summary of Knowledge and Suggestions.
16. Obbard and Middel. 2012. Bounding the Southern Hudson Bay Polar Bear Subpopulation. *Ursus*, 23(2): 134-144.
17. Obbard. 2008. Southern Hudson Bay Polar Bear Project 2003-05, Final Report. OMNR.
18. Obbard et al. 2006. Temporal Trends in the Body Condition of Southern Hudson Bay Polar Bears. OMNR Climate Change Research Note #3.
19. Obbard and Walton. 2004. The Importance of Polar Bear Provincial Park to the Southern Hudson Bay Polar Bear Population in the Context of Climate Change. Parks Research Forum of Ontario Proceedings.

## **SUPPLEMENTARY SUBMISSIONS**

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1. The Honourable Leona Aglukkaq, Minister of Environment (Canada). Additional Submission Re: Jurisdiction for implementing NMRWB decisions.
2. Steve Pinksen, A/ Deputy Minister of Environment (Nunavut). Additional Submission Re: Jurisdiction for implementing NMRWB decisions.
3. No response from the Honourable Laurent Lessard, Ministre des Forêts, de la Faune et des Parcs (Quebec).



## A resolution to establish a Total Allowable Take and for Southern Hudson Bay polar bears within the Nunavik Marine Region

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- WHEREAS** Canada’s Minister of Environment directed the Nunavik Marine Region Wildlife Board (“NMRWB”) to establish a management system, including a Total Allowable Take (“TAT”), for all polar bear sub-populations occurring in the Nunavik Marine Region (“NMR”); and
- WHEREAS** the NMRWB held a public hearing to consider the establishment of a TAT for Southern Hudson Bay polar bears within the NMR and subsequently gathered additional information necessary to render a decision on this matter; and
- WHEREAS** a significant portion of the range of SHB polar bears, in the NMR, is governed pursuant to the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area between the Crees of Eeyou Istchee and the Nunavik Inuit (“the Cree/Inuit Overlap Agreement”). Accordingly, decisions affecting the “INUIT ZONE” or the “CREE/INUIT JOINT ZONE” must be made in accordance with the Cree/Inuit Overlap Agreement; Now therefore,
- BE IT RESOLVED** that the preamble shall form an integral part of this resolution; and
- BE IT FURTHER RESOLVED** that the NMRWB, pursuant to Part 5.5 of the Nunavik Inuit Land Claims Agreement hereby resolves to establish a TAT of 28 polar bears for the Nunavik Marine Region, subject to approval by the Crees of Eeyou Istchee and the Eeyou Marine Region Wildlife Board; and
- BE IT FURTHER RESOLVED** that the NMRWB assumes that at least one polar bear, from this TAT, will be reserved for the Crees of Eeyou Istchee; and
- BE IT FURTHER RESOLVED** that the document entitled “Establishing a Total Allowable Take and Non-Quota limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region” shall form an integral part of this decision; and
- BE IT FURTHER RESOLVED** that NMRWB staff and legal counsel are hereby instructed to undertake all necessary steps to obtain support, from the Crees of Eeyou Istchee and the Eeyou Marine Region Wildlife Board, for the current decision before forwarding it to the relevant Ministers.



**IN WITNESS OF WHICH** the resolution to establish a Total Allowable Take for Southern Hudson Bay polar bears within the Nunavik Marine Region has been reviewed by the NMRWB voted upon as follows:

**Moved by:** Robbie Tookalak

**Seconded by:** Quitsaq Tarriasuk

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

**Date of adoption** June 4, 2015



## A resolution to establish a Total Allowable Take and for Southern Hudson Bay polar bears within the Nunavik Marine Region

---

- WHEREAS** Canada’s Minister of Environment directed the Nunavik Marine Region Wildlife Board (“NMRWB”) to establish a management system, including a Total Allowable Take (“TAT”), for all polar bear sub-populations occurring in the Nunavik Marine Region (“NMR”); and
- WHEREAS** the NMRWB held a public hearing to consider the establishment of a TAT for Southern Hudson Bay polar bears within the NMR and subsequently gathered additional information necessary to render a decision on this matter; and
- WHEREAS** the NMRWB subsequently instructed its staff to (based on the information presented in the context of the public hearing) propose a set of non-quota limitations under which the TAT for Southern Hudson Bay polar bears could be administered until a complete management plan is adopted for the NMR; and
- WHEREAS** a significant portion of the range of Southern Hudson Bay polar bears, in the NMR, is governed pursuant to the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area between the Crees of Eeyou Istchee and the Nunavik Inuit (“the Cree/Inuit Overlap Agreement”). Accordingly, decisions affecting the “INUIT ZONE” or the “CREE/INUIT JOINT ZONE” must be made in accordance with the Cree/Inuit Overlap Agreement; Now therefore,
- BE IT RESOLVED** that the preamble shall form an integral part of this resolution; and
- BE IT FURTHER RESOLVED** that the NMRWB hereby resolves to accept all non-quota limitations proposed by its staff and contained within the document entitled “Establishing a Total Allowable Take and Non-Quota limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region”, subject to approval by the Crees of Eeyou Istchee and the Eeyou Marine Region Wildlife Board; and
- BE IT FURTHER RESOLVED** that the document entitled “Establishing a Total Allowable Take and Non-Quota limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region” shall form an integral part of this decision; and
- BE IT FURTHER RESOLVED** that NMRWB staff and legal counsel are hereby instructed to undertake all necessary steps to obtain support, from the Crees of Eeyou Istchee and the Eeyou Marine Region Wildlife Board, for the current decision before forwarding it to the relevant Ministers.

**IN WITNESS OF WHICH** the resolution to establish non-quota limitations for Southern Hudson Bay polar bears within the Nunavik Marine Region has been reviewed by the NMRWB voted upon as follows:

**Moved by:** Robert Moshenko

**Seconded by:** Jean-Pierre Savard

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

**Date of adoption** June 4, 2015



**A resolution to amend NMRWB resolution #2015-06-14 and resolution #2015-06-15, on establishing a Total Allowable Take and non-quota limitations for Southern Hudson Bay polar bears within the Nunavik Marine Region**

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- WHEREAS** the Nunavik Marine Region Wildlife Board (“NMRWB”) has previously adopted resolutions #2015-06-14 & #2015-06-15 referring to the establishment of a Total Allowable Take (“TAT”) and non-quota limitations for Southern Hudson Bay polar bears in the Nunavik Marine Region (“NMR”); and
- WHEREAS** the approval process for decisions governed pursuant to the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area between the Crees of Eeyou Istchee and the Nunavik Inuit (“the Cree/Inuit Overlap Agreement” that was originally envisioned by the NMRWB failed to meet all requirements of the said Agreement; and
- WHEREAS** the NMRWB, the Crees of Eeyou Istchee and the Eeyou Marine Region Wildlife Board have agreed on an alternative process in which separate decisions will be made for the “INUIT ZONE” and for the “CREE/INUIT JOINT ZONE”) and which will ensure that procedural requirements of the overlap agreement are respected (including the Rights defined therein); Now therefore,
- BE IT RESOLVED** that the preamble shall form an integral part of this resolution; and
- BE IT FURTHER RESOLVED** that the NMRWB, hereby modifies its original decisions such that it apply only to that portion of the NMR which is not included within the Cree/Inuit Overlap Area (“the non-overlap portion”);
- BE IT FURTHER RESOLVED** that, regarding the allocation of a portion of the TAT to the Crees of Eeyou Istchee, the NMRWB amends its original position to reflect this change. A mechanism to describe the allocation process will be defined for the ‘INUIT ZONE” and for the “CREE/INUIT JOINT ZONE”; and
- BE IT FURTHER RESOLVED** that the NMRWB instructs its staff to make all necessary changes to the document entitled “Establishing a Total Allowable Take and Non-Quota limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region” such that these amendments are reflected therein; and
- BE IT FURTHER RESOLVED** that the document entitled “Establishing a Total Allowable Take and Non-Quota limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region” shall form an integral part of this decision.

Chairman’s signature:

Date:

21-07-2015

**IN WITNESS OF WHICH** the resolution to amend NMRWB resolutions #2015-06-14 and resolution #2015-06-15, on establishing a Total Allowable Take and non-quota limitations for Southern Hudson Bay polar bears within the Nunavik Marine Region has been reviewed by the NMRWB voted upon as follows:

**Moved by:** Jean-Pierre Savard

**Seconded by:** Sandy Akavak

**In favour:** 4 **Abstain:** 1 **Opposed:** 0 **Absent:** 1 **Vacant:** 0

**Date of adoption** July 21, 2015

For the Nunavik Marine Region Wildlife Board:

Sandy Akavak

S. Akavak

Johnny Peters

Jo. Pe

Quitsaq Tarriasuk

Q. TARRIASUK

Robert Moshenko

Robert W. Moshenko

Jean-Pierre Savard

Jean Pierre Savard

Chairman's signature: 

Date: 21-07-2015



**A resolution to establish a Total Allowable Take for polar bears within the “INUIT ZONE”, as defined under the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area.**

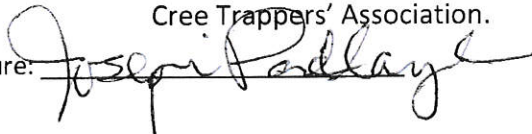
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- WHEREAS** Part IV and Part VII of the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area (“Cree/Inuit Overlap Agreement”) define a process for wildlife management within the overlap area; and
- WHEREAS** within the “INUIT ZONE”, and pursuant to section 4.5 of the Cree/Inuit Overlap Agreement, the total allowable take (“TAT”) and all other wildlife management responsibilities shall be determined and assumed by the NMRWB. However, the Crees of Eeyou Istchee shall be entitled to have an observer with the right of participating in such deliberations, this observer shall moreover be entitled to a vote and to replace an Inuit nominee of the NMRWB; and
- WHEREAS** the Nunavik Marine Region Wildlife Board (“NMRWB”) has previously established a TAT and non-quota limitations for Southern Hudson Bay polar bears in those portions of the Nunavik Marine Region not included within the Cree/Inuit Overlap Area (NMRWB Resolutions #2015-06-14, #2015-06-15 & #2015-07-05); and
- WHEREAS** the Crees of Eeyou Istchee did not have an observer present during NMRWB deliberations pertaining to the above-noted decisions, the NMRWB has reconvened on this 21<sup>st</sup> day of July, 2015 to render decisions for the “INUIT ZONE”; and
- WHEREAS** the Crees of Eeyou Istchee have appointed Mr. Alan Penn to attend this session as an observer. Mr. Penn is entitled to a vote and will replace Mr. Robbie Tookalak (NMRWB member appointed by Makivik) for this purpose; Now therefore,

**BE IT RESOLVED** that the preamble shall form an integral part of this resolution; and

**BE IT FURTHER RESOLVED** that the NMRWB, in accordance with section 4.5 of the Cree/Inuit Overlap Agreement and Part 5.5 of the Nunavik Inuit Land Claims Agreement, hereby resolves to extend, to the “INUIT ZONE”, all decisions described within the document entitled “Establishing a Total Allowable Take and Non-Quota limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region”; and

**BE IT FURTHER RESOLVED** that within the “INUIT ZONE”, a portion of the TAT shall be reserved for the Crees of Eeyou Istchee. This portion shall be determined annually by the *Regional Nunavimmi Umajulirijit Katujjiqatigiinninga* (RNUK) and the Cree Trappers’ Association.

Chairman’s Signature: 

Date: 21-07-2015

**IN WITNESS OF WHICH** the resolution to establish a Total Allowable Take for polar bears within the "INUIT ZONE", as defined under the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area has been reviewed by the NMRWB, and by the observer designated by the Crees of Eeyou Istchee and voted upon as follows:

**Moved by:** Jean-Pierre Savard

**Seconded by:** Quitsaq Tarriasuk

**In favour:** 6 **Abstain:** 0 **Opposed:** 0 **Absent:** 0 **Vacant:** 0

**Date of adoption** July 21<sup>st</sup>, 2015

The following members and Cree of Eeyou Istchee designated observer, who voted on the resolution, attest that the above resolution reflects the deliberations and decisions of the NMRWB on matters related to the management of Southern Hudson Bay polar bears in the "INUIT ZONE" of the Cree/Inuit Overlap Area:

For the Nunavik Marine Region Wildlife Board:

Sandy Akavak S. Akavak

Johnny Peters John Peters

Quitsaq Tarriasuk Quitsaq Tarriasuk

Robert Moshenko Robert W. Moshenko

Jean-Pierre Savard Jean-Pierre Savard

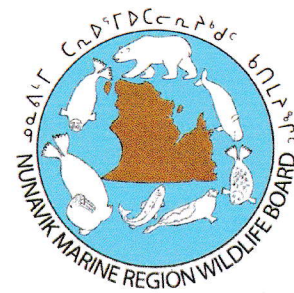
For the Crees of Eeyou Istchee:

Alan Penn Alan Penn

Chairman's Signature: Josée Pélletier

Date: 21-07-2015

**A resolution to establish a Total Allowable Take and non-quota limitations for polar bears within the “CREE/INUIT JOINT ZONE” defined in the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area.**



- WHEREAS** Part IV and Part VII of the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area (“Cree/Inuit Overlap Agreement”) define a process for wildlife management within the overlap area; and
- WHEREAS** within the “CREE/INUIT JOINT ZONE”, and pursuant to section 4.4 of the Cree/Inuit Overlap Agreement, the total allowable take (“TAT”) and all other wildlife management responsibilities shall be jointly and equally determined and assumed by the Eeyou Marine Region Wildlife Board (“EMRWB”) and the Nunavik Marine Region Wildlife Board (“NMRWB”); and
- WHEREAS** the NMRWB has previously established a TAT and non-quota limitations for Southern Hudson Bay polar bears in those portions of the Nunavik Marine Region not included within the Cree/Inuit Overlap Area (NMRWB Resolutions #2015-06-14, 2015-06-15 & #2015-07-05); and
- WHEREAS** the EMRWB did not participate in NMRWB deliberations pertaining to the above-noted decisions, the NMRWB and EMRWB have convened a joint session on this 21<sup>st</sup> day of July, 2015 to render decisions for the “CREE/INUIT JOINT ZONE”; Now therefore,
- BE IT RESOLVED** that the preamble shall form an integral part of this resolution; and
- BE IT FURTHER RESOLVED** that the EMRWB and NMRWB (in accordance with section 4.4 of the Cree/Inuit Overlap Agreement, Part 5.5 of the Nunavik Inuit Land Claims Agreement and Chapter 15 of the Eeyou Marine Region Land Claims Agreement) hereby resolve to extend the application of all decisions described within the document entitled “Establishing a Total Allowable Take and Non-Quota limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region” to the “CREE/INUIT JOINT ZONE”; and
- BE IT FURTHER RESOLVED** that within the “CREE/INUIT JOINT ZONE”, a portion of the TAT shall be reserved for the Crees of Eeyou Istchee. This portion shall be determined by the *Regional Nunavimmi Umajulirijiit Katujjiqatigiinninga* (RNUK) and the Cree Trappers’ Association.

NMRWB Chairman:

Date:

21-07-2015



**IN WITNESS OF WHICH** the resolution to establish a Total Allowable Take and non-quota limitations for polar bears within the "CREE/INUIT JOINT ZONE" defined in the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area has been reviewed by the NMRWB and EMRWB and voted upon as follows:

**NMRWB resolution # 2015-07-07:**

**Moved by:** Sandy Akavak

**Seconded by:** Jean-Pierre Savard

**In favour:** 5 **Abstain:** 0 **Opposed:** 0 **Absent:** 1 **Vacant:** 0

**Date of adoption** July 21<sup>st</sup>, 2015

NMRWB Chairman did not vote. Voting Members: Johnny Peters, Quitsaq Tarriasuk, Robert Moshenko, Jean-Pierre Savard, Sandy Akavak. Absent: Robbie Tookalak.

**EMRWB Resolution #WB2015-07-10**


**Moved by:** Jules Dufour

**Seconded by:** Bert Moar

**In favour:** 6 **Abstain:** 0 **Opposed:** 0 **Absent:** 0 **Vacant:** 0

**Date of adoption** July 21<sup>st</sup>, 2015

EMRWB Chairman did not vote. Voting members: Bert Moar, Isaac Masty, Peter Kattuk, Jules Dufour, Claude St-Charles, Aurélie Bourbeau-Lemieux.

NMRWB Chairman: 

Date: 21-07-2015

The following NMRWB board members who voted on the resolution, hereby attest that the above resolution reflects the deliberations and decisions made by the EMRWB and the NMRWB (in accordance with s. 28.8 (b) of the NILCA) on matters related to the management of Southern Hudson Bay polar bears in the "CREE/INUIT JOINT ZONE" of the Cree/Inuit Overlap Area:

For the Nunavik Marine Region Wildlife Board:

Sandy Akavak:



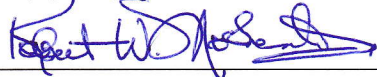
Johnny Peters:



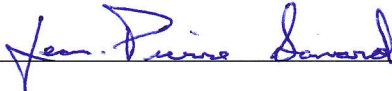
Quitsaq Tarriasuk:



Robert Moshenko:



Jean-Pierre Savard:



NMRWB Chairman:



Date:

21-07-2015



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 EEYOU MARINE REGION WILDLIFE BOARD  
 CONSEIL DE GESTION DES RESSOURCES  
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**RESOLUTION EMRWB 2015-10**

**SUBJECT:**

A resolution to establish a Total Allowable take and non-quota limitations for polar bears within the “Cree/Inuit Joint Zone” defined in the Consolidated Agreement relating to the Cree/Inuit Offshore Overlapping Interests Area.

**WHEREAS** Part IV and Part VII of the Consolidated Agreement Relating to the Cree/Inuit Offshore Overlapping Interests Area (“Cree/Inuit Overlap Agreement”) define a process for wildlife management within the overlap area;

**WHEREAS** within the “CREE/INUIT JOINT ZONE”, and pursuant to section 4.4 of the Cree/Inuit Overlap Agreement, the total allowable take (“TAT”) and all other wildlife management responsibilities shall be jointly and equally determined and assumed by the Eeyou Marine Region Wildlife Board (“EMRWB”) and the Nunavik Marine Region Wildlife Board (“NMRWB”);

**WHEREAS** the NMRWB has previously established a TAT and non-quota limitations for Southern Hudson Bay polar bears in those portions of the Nunavik Marine Region not included within the Cree/Inuit Overlap Area (NMRWB Resolutions #2015-06-14, 2015-06-15 & #2015-07-05);

**WHEREAS** section 30.6 of the Eeyou Marine Region Land Claims Agreement and section 28.8 of the Nunavik Inuit Land Claims Agreement provide that the EMRWB and the NMRWB shall sit together when making decisions or recommendations concerning the CREE/INUIT JOINT ZONE and render the same recommendations or decisions concerning this zone; and

**WHEREAS** given that the EMRWB did not participate in NMRWB deliberations pertaining to the above-noted decisions, the NMRWB and EMRWB have convened a joint session on this 21<sup>st</sup> day of July, 2015 to render decisions for the “CREE/INUIT JOINT ZONE”;

**NOW THEREFORE BE IT RESOLVED:**

**THAT,** the preamble shall form an integral part of this resolution; and

**BE IT FURTHER RESOLVED:**



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EYYOU MARINE REGION WILDLIFE BOARD  
CONSEIL DE GESTION DES RESSOURCES  
FAUNISTIQUES DE LA RÉGION MARINE D'EYYOU  
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## RESOLUTION EMRWB 2015-10

**THAT**, the EMRWB and NMRWB (in accordance with sections 4.4 and 7.5 of the Cree/Inuit Overlap Agreement, Part 5.5 of the Nunavik Inuit Land Claims Agreement and Chapter 15 of the Eeyou Marine Region Land Claims Agreement) hereby resolve to extend the application of all decisions described within the document entitled "Establishing a Total Allowable Take and Non-Quota limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region" to the "CREE/INUIT JOINT ZONE"; and

**THAT**, within the "CREE/INUIT JOINT ZONE", a portion of the TAT shall be reserved for the Crees of Eeyou Istchee. This portion shall be determined by the *Regional Nunavimmi Umajulirijiit Katujjiqatigiinninga* (RNUK) and the Cree Trappers' Association.

Proposed by: Jules Dufour  
Seconded by: Bert W. Moar  
Decision: Carried unanimously  
Date: July 21<sup>st</sup>, 2015.

  
Corporate Secretary

