



**OCT 19 2016**

Mr. Josepi Padlayat  
Chairperson  
Nunavik Marine Region Wildlife Board  
P.O. Box 433  
Inukjuak QC J0M 1M0

Mr. Roderick Pachano  
Chairperson  
Eeyou Marine Region Wildlife Board  
81 Metcalfe Street, Suite 900  
Ottawa ON K1P 6K7

Dear Messrs. Padlayat and Pachano:

Thank you for your letter of December 21, 2015, and enclosure, outlining the final decision from the Nunavik Marine Region Wildlife Board and the Eeyou Marine Region Wildlife Board with regard to the total allowable take level and non-quota limitations for the Southern Hudson Bay management unit of polar bears. I understand that since then, and up until July 22, 2016, there have been exchanges between our organizations on technical issues related to this final decision.

Your decision is to establish an annual total allowable take of 28 bears from the Southern Hudson Bay management unit within the Nunavik Marine Region, using a flexible management framework and without a requirement for sex-selective harvesting.

Given the concerns about the effect that this total allowable take will have on the conservation of the Southern Hudson Bay population of polar bears, I hereby advise that, pursuant to Article 5, paragraph 5.5.3(a), of the Nunavik Inuit Land Claims Agreement, I am varying this decision. Please see the enclosed document for the full varied decision. My reasons for varying the total allowable take and non-quota limitations are described in the second enclosed document (Analysis of Decision on Total Allowable Take and Non-Quota Limitations for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region). Once the new survey results and traditional knowledge study become available, I am open to reconsidering the total allowable take for this management unit of polar bears.

I thank the Nunavik Marine Region Wildlife Board and the Eeyou Marine Region Wildlife Board for their significant co-operation and co-ordination, as demonstrated in reaching this first-ever agreement on the harvest levels for this management unit under the respective land claims agreements. I value the discussions you have engaged in with officials from Environment and Climate Change Canada and the Government of Nunavut on this final decision

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document, and I am encouraged by this collaboration. For future decisions, the Department will work collaboratively with the Nunavik Marine Region Wildlife Board and the Eeyou Marine Region Wildlife Board through technical advisors to ensure that they are informed of concerns earlier in the process, and to enhance opportunities for the use of traditional knowledge in the management of polar bears. As this is a new process for all parties, I thank you for your patience and look forward to continued co-operation to ensure a sustainable harvest of polar bears in this area.

Please accept my best regards.

Sincerely,

A handwritten signature in black ink, appearing to read 'C McKenna', with a long horizontal flourish extending to the right.

The Honourable Catherine McKenna, P.C., M.P.

Enclosures

c.c.: The Honourable Joe Savikataaq, Minister of Environment, Government  
of Nunavut

## **Minster of Environment and Climate Change Canada's Varied Decision on Total Allowable Take (TAT) and Non-Quota Limitations for Polar Bears within the Nunavik Marine Region**

There will be an annual Total Allowable Take (TAT) of twenty-three (23) polar bears from the Southern Hudson Bay Management Unit for the Nunavik Marine Region where at least (1) one polar bear from this TAT is expected to be allocated to the Cree of Eeyou Istchee for harvest within the Cree-Inuit overlap area. Allocations of the TAT will be determined jointly by the Regional Nunavimmi Umajulirijit Katujiqatigininga (RNUK) and the Cree Trappers' Association according to the provisions in the NILCA and EMRLCA.

Furthermore, the TAT shall be implemented within a flexible framework, as follows:

- 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 Nunavik Marine Region Wildlife Board (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, specifically credits cannot be accumulated over multiple years.

Finally, the following non-quota limitations shall be established:

1. The TAT will be harvested annually, limited to 1 female per 2 males.
2. All polar bears killed by humans, whether as part of the subsistence harvest or in defense of life and property, will be reported to the appropriate authority as soon as possible (whether or not these are intended for sale);
3. Polar bear hunting shall be permitted throughout the year; however, for administrative purposes, the harvest-year shall be from July 1st until June 30th of the following year;
4. Cubs, females with cubs, or bears that are less than **three (3) years** old shall not be killed, at any time of year, unless it is killed 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. Pursuant to NILCA s.5.7.4(d), the RNUK will allocate the TAT among the LNUKs;

Attachment 1- Response to Final Decision on TAT for Southern Hudson Bay polar bear

7. 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 enforcement of these allocations as they see fit;
8. 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.

## **Analysis of Decision on Total Allowable Take (TAT) and Non-Quota Limitations (NQL) for Southern Hudson Bay Polar Bears, within the Nunavik Marine Region**

The decision on TAT and NQL takes into account that there are differences between the available scientific information and Traditional Knowledge, that new science and Traditional Knowledge will be available within a year or two, and that it is important to avoid actions which could jeopardize trade in polar bear parts. The decision also recognizes the need to exercise caution so as to ensure a sustainable harvest, and the fact that once new information is available, the TAT can be re-assessed. Consequently, the Final Decision is varied or rejected as described below. ECCC recognizes that varying the TAT will have implications on the hunters and communities however, an unsustainable harvest would also have implications for hunters and communities in the medium to long term. ECCC acknowledges and appreciates the efforts of the Boards' to collaboratively reach this first Joint Final Decision. The collaboration is a model for management of wildlife populations shared between jurisdictions.

Below is the analysis of why certain aspects of the Final Decision have been rejected or varied.

The TAT of 23 bears for the Nunavik Marine Region and Eeyou Marine Region is established (assuming, as per the Final Decision, at least 1 polar bear, from the Total Allowable Take of 23, will be allocated to the Cree of Eeyou Istchee for harvest within the Cree-Inuit Overlap Area). The TAT of 23 establishes a combined harvest of polar bears from the Southern Hudson Bay management unit of close to 4.5% which aligns with the widely accepted sustainable removal level.

The information available was weighed carefully to determine this varied TAT. The scientific information indicates that a TAT of 28 for the Nunavik Marine Region (including Nunavik Inuit and Crees of Eeyou Istchee), combined with removals by Nunavut Inuit and Ontario Cree, is likely not sustainable, and creates a conservation concern for this management unit. As noted, a maximum harvest of close to 4.5% should be established, to ensure the population remains stable and the harvest sustainable. This is consistent with previous statements by Environment and Climate Change Canada (e.g., the Environment and Climate Change Canada submission to the Southern Hudson Bay public hearing held in Inukjuak in February 2014 and Deputy Minister Michael Martin's letter of September 23<sup>rd</sup>, 2015).

Nunavik Inuit Traditional Knowledge (TK) in the Quebec portion of this management unit and some findings from scientific data align, but there are variances with respect to trends in subpopulation size and body condition of the polar bears in Southern Hudson Bay. For example:

1. Both science and TK recognize a longer ice-free season in Southern Hudson Bay over recent decades.
2. Scientific information indicates that this subpopulation has appeared relatively stable since the mid-1980s, while TK indicates that this population has been growing since the 1980s.
3. Scientific information demonstrates a decline in body condition among polar bears in the fall of each year, while TK observations find that Southern Hudson Bay bears seem

overall healthy and in good body condition, particularly during the winter and spring hunting season.

Another matter brought forward by the TK that has been carefully considered is that local residents have expressed concerns for their safety given more frequent human-bear interactions in recent decades.

The Boards' Final Decision set a TAT of 28. This is considered by the Boards to be sustainable based on the available information and given that this is the low end of historical harvest levels by Nunavik Inuit (which based on TK is 28-45 bears). Although in the past this management unit has been able to support the harvest (remain stable) during these higher harvest levels, assumptions cannot be made about the subpopulation's ability to continue to support historical harvest levels. Consequently, caution must be exercised at this time. This is especially important when considering increases in the ice-free season due to climate change, and the scientific information which indicates declines in body condition during ice-free periods — a time of year when body condition is particularly important for survival. Given that similar declines in body condition preceded declines in subpopulation abundance in the adjacent Western Hudson Bay subpopulation, a cautious management approach is warranted for the Southern Hudson Bay management unit.

### **Flexible Harvest System**

The non-quota limitation of implementing a flexible harvest system is accepted and supported, subject to the changes to the TAT described above, and other non-quota limitations described below.

### **Sex-selective Harvest**

There are a number of assumptions implicit within a sustainable, 4.5% removal rate, including use of a sex-selective harvest regime. That said, the Board's Final Decision is varied to require a sex-selective harvest of 2 males per 1 female polar bear. A sex-selective harvest is consistent with polar bear management regimes across Canada. It ensures a sustainable removal rate of females, which are essential to maintaining the growth of the population. In this instance, a sex-selective harvest is consistent with a cautionary approach given that long-term scientific data show declines in body condition and survival for all sex and age classes within Southern Hudson Bay, and solitary (usually pregnant) females are thought to have suffered the largest declines in body condition.

### **Non-Quota Limitation #1**

*Decision by Boards - The harvest of polar bears in this portion of NMR shall be restricted to Nunavik Inuit beneficiaries (or to the Cree of Eeyou Istchee, as per James Bay Northern Quebec Agreement guaranteed level of harvest for polar bear, in accordance with the Cree-Inuit Overlap Agreement);*

Decision by the Minister - The decision by the Boards is rejected.

Rationale - It is not possible to support any real or perceived restriction on the rights of the Inuit of Nunavut. Under the NILCA 27.3.2, "the Inuit of Nunavut have the same rights respecting the harvesting of wildlife in the marine areas and islands of the NMR". Further, the Nunavik Inuit have similar rights to harvest in the marine areas and islands of the Nunavut Settlement Area as set out in 27.3.1

#### **Non-Quota Limitation #2**

Decision by Boards – *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);*

Decision by Minister – Vary - all polar bears killed by humans, whether as part of the subsistence harvest or in defense of life and property, will be reported to the appropriate authority as soon as possible (whether or not these are intended for sale).

Rationale - This non-quota limitation is being varied to align with the NILCA. Mandatory reporting is an important aspect of an effective and responsive management system, and essential for a flexible quota system. Reporting is also key for conservation because when managing a population it is essential to understand the level of harvest. Nevertheless, some aspects of this non-quota limitation, as written in the Final Decision document, appear to be redundant with the NILCA.

In particular, 2b above specifies reporting of self-defense kills by any person who is not a beneficiary of the NILCA or EMRLCA, and the forfeiture of hide, meat, and other parts to the nearest community's LNUK. This is already a requirement of beneficiaries and non-beneficiaries, under NILCA 5.3.35: "A person who kills wildlife under sections 5.3.32 or 5.3.33 shall dispose of valuable parts of the wildlife to the concerned LNUK and shall provide notice to the NMRWB."

#### **Non-Quota Limitation # 4**

Decision by Boards – *Cubs, females with cubs, or bears that are less than two (2) years old shall not be killed, at any time of the year, except in defense of life and property.*

Decision by Minister - Vary – *Cubs, females with cubs, or bears that are less than three (3) years old shall not be killed unless it is killed in defense of life and property.*

Rationale - This non-quota limitation is being varied due to conservation concerns for the survival of young offspring and family groups who are critical to the survival of the species. Changing the age to three (3) provides additional protection to members of family groups who often stay with their mothers for up to two years.

**Non-Quota Limitation #6**

Decision by Boards - *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).*

Decision by Minister - The decision by the Boards is rejected.

Rationale - This non-quota limitation is being rejected because it is unrelated to harvesting; as per the NILCA 5.2.19, the Board does not have authority to make restrictions on non-harvest activities. However, this is acknowledged as a recommendation by the Boards related to science, as stated in the Boards letter of July 22, 2016.

NILCA 5.2.19 identifies the NMRWB as having sole authority to establish, modify, or remove, non-quota limitations on *harvesting* in the NMR. The NILCA also describes the responsibilities of the NMRWB with respect to research, including identifying research requirements and deficiencies [5.2.7.1 (a)], reviewing research proposals, and making recommendations on the acceptance or rejection of such proposals [5.2.7.1 (c)].