



NWMB for a potential conservation concern according to HACCS Section 5.7.2.1.²

The DOE submitted the remaining one credit to the NWMB for “approval” at the NWMB’s Regular Meeting (RM) on March 8, 2023. In the DOE Briefing Note for the RM, the DOE provided scientific information that there may be evidence of a slight decline in the Davis Strait polar bear sub-population and explained that the DOE “does not believe releasing 1 additional credit would present a conservation concern.” The DOE recommended the NWMB approve the request.

NWMB Decision

During the NWMB’s In-Camera Meeting (IC001-2023) on March 8, 2023, the Board considered the Government of Nunavut’s request and oral submissions presented by the DOE, Environment and Climate Change Canada, the QWB and reached the following decision:

RESOLVED that the NWMB recommends that based on the information provided to the Board, the RWO approval for credit requests as outlined in the HACCS be sufficient and relied on to fulfill the Polar Bear Co-management Plan. Any potential conservation concerns associated with credit release should be raised and resolved between the Government of Nunavut and the Regional Wildlife Organization.

FURTHER MOVED that the NWMB recommend the Government of Nunavut continue to work on polar bear harvest administration in Nunavut, addressing concerns with polar bear management including defense-of-life and property kills, credit resets, the recognition of the role of Regional Wildlife Organizations and provide greater access to polar bear harvest data as indicated in the NWMB’s February 1, 2022, letter to the Minister to approve the Harvest and Credit Calculation System.

Reasons for the NWMB’s Decision

Context of NWMB Credit Request Review According to HACCS

This is the first time the NWMB is being asked to review a credit request under HACCS.

² HACCS, section 5.7.2.1 says “Requests for credits that are greater than 25% of the subpopulation TAH in a given harvest year will automatically be sent to the NWMB for review of a potential conservation concern.”



The NWMB approved the GN’s proposal to implement HACCS in 2022 following changes in 2019 to Nunavut’s polar bear harvest management, including the change to the sex-selective harvest ratio from two males for every female (2:1) to up to one female for every male (1:1). Before the 2019 Polar Bear Management Plan (PBMP), the NWMB routinely reviewed requests for credit release, regardless of the number of credits being requested. That practice ended when the PBMP was approved.

Between the approval of the 2019 PBMP and the current version of HACCS, co-management partners brought several proposals for polar bear harvest administration to the NWMB. The NWMB approved the current version of HACCS³ in February 2022, along with specific recommendations for further work on polar bear management.⁴

The HACCS, and specific aspects of credit administration including the NWMB review of credit requests like this one, are being challenged and judicial reviewed by the Qikiqtaaluk Wildlife Board and Sanikiluaq Hunters and Trappers Organization. There are different positions from the parties on the interpretation of the issues in the judicial review, including the NWMB’s 5.7.2.1 review under HACCS. At the RM001-2023 meeting, the DOE and QWB representatives confirmed the judicial review is making dialogue between them on polar bear co-management more challenging.

The NWMB only seeks to conduct its review under section 5.7.2.1 of HACCS. The NWMB received this submission from the GN DOE to review and approve one credit from the Davis Strait polar bear sub-population for use by the Pangnirtung HTO. The NWMB heard from the GN, QWB and Environment and Climate Change Canada while conducting its review.

NWMB Review of the Pangnirtung HTO Credit Request

The DOE submission to the NWMB is for a review of a potential conservation concern according to HACCS. The NWMB reviewed the submission and heard from parties on March 8, 2023. The DOE said that there were no conservation concerns and had recommended that the NWMB approve the release of one credit. The TAH for the Davis Strait subpopulation inside Nunavut is 61 polar bears per year. The TAH is allocated between three communities: Pangnirtung (24), Iqaluit (28), and Kimmirut (9). There are currently 156 credits available to the three Nunavut

³ The NWMB approved HACCS under its authority to approve plans for the management of wildlife (*Nunavut Agreement*, s. 5.2.34(d)(i)).

⁴ NWMB Decision on the Request for Approval of the Polar Bear Harvest Administration and Credit Calculation System (HACCS), letter sent to GN Minister of the Environment, dated February 1, 2022. The Minister accepted the NWMB’s decision, and acknowledged the NWMB’s recommendations, by letter dated February 7, 2022.



communities harvesting Davis Strait polar bear. The NWMB did not hear or receive evidence of a potential conservation concern regarding this specific request.

In the RM on March 8, 2023, the NWMB heard that the QWB encourages a maximum use of credits, keeping some credits for male and female polar bears in case of defense of life or property kills late in the season. As HACCS indicates, approving credit requests is performed by the responsible RWO. It is a principle of Article 5 that the wildlife management system and the exercise of Inuit harvesting rights are governed by and subject to the principles of conservation.⁵ The NWMB expects an RWO deciding to approve the release of credits to account for the principles of conservation, particularly where significant credit use could threaten the maintenance of vital, healthy wildlife populations capable of sustaining harvesting needs for present and future generations of Inuit. In this case, the NWMB relied on the QWB approval for the Pangnirtung credit request and considered that it was sufficient to address potential conservation concerns, the principles of conservation, the HACCS, and the 2019 Polar Bear Co-management Plan.

In accordance with HACCS, QWB approved the Pangnirtung HTO credit request by forwarding it to the DOE. The DOE submitted the credit request that exceeded the 25% threshold, one credit, to the NWMB for review. The DOE submission requests “approval” and “direction” following an NWMB review of a credit request. The DOE relies on section 5.7.2.1 of HACCS in its submission. Under section 5.7.2.1 of HACCS, the NWMB may be asked to review a credit request for a potential conservation concern where the request is greater than 25% of the TAH.⁶

The NWMB reviewed the request submitted by the DOE, and on the basis of the submissions from parties, the NWMB does not find any indication of a potential conservation concern from the request to release one credit from the Davis Strait sub-population to the Pangnirtung HTO.

Credits, Potential Conservation Concerns and NWMB Recommendations

There are more than 500 credits available across Nunavut. There is wide awareness of credits in Nunavut’s polar bear management system, but they are not clearly defined. The accumulation of a large number of credits in some polar bear sub-populations may pose a potential conservation concern should a community or region decide to use a large accumulation of polar bear credits over a short period of time.

⁵ *Nunavut Agreement*, section 5.1.2(g)

⁶ The NWMB is aware of new regulations under the *Wildlife Act* introduced to implement HACCS. Those regulations were not part of the record before parties or the NWMB when it conducted this review.



In its decision, the NWMB reaffirmed their acceptance of accepting HACCS. Section 10, Plan Review of the Co-Management Plan states that the plan is a “dynamic, living document and is expected to be revised as new science and Inuit Qaujimajatuqangit becomes available to ensure that the goal and objectives are met.” This is something we continue to address and take action upon as new science and IQ becomes available.

Communities and RWOs have relayed that there is a demand to remove defense of life and property kills (DLPK) from the quota. The removal of DLPKs would contravene the Polar Bear Co-Management Plan and could negatively impact sustainable harvest and management. I am concerned that, if DLPKs were not accounted for in the TAH, there may be increased levels of harvesting leading to increased scrutiny of Nunavut’s polar bear management system and foreseeably could lead to a Negative Detriment Finding review.

The issue of how to reset and clarify the process for credit allocations is complex. Staff have been working diligently with our co-management partners since the 2000s era MOUs were signed to identify possible options to reset credits. We have not yet been able to identify a solution that satisfies both IQ and science.

Finally, I would like to take this opportunity to correct your statement regarding the subpopulation estimate. An abundance estimate of 2015 bears for the Davis Strait polar bear subpopulation has been derived following the 2017 and 2018 collaborative 2-year minimally invasive genetic biopsy study. This information was shared with NWMB and all co-management partners in May 2022 in the final report. We recently completed consultations with the Pangnirtung, Iqaluit, Kimmirut HTOs on this and anticipate making a submission to the NWMB later in 2023.

ENV is committed to ongoing discussions with co-management partners on all aspects of polar bear co-management. The *Nunavut Agreement* provides that anyone may make a submission to the Board for decision. As new harvest administration systems and management options are developed, as per processes identified in the Nunavut Agreement, co-management partners must fulfill their roles in objectively reviewing and presenting evidence to the NWMB as it fulfills its role as the main instrument of wildlife management in the Nunavut Settlement Area.



ᑭᑎᑎᑦᑭᑦ ᑭᑎᑎᑦᑭᑦ ᑭᑎᑎᑦᑭᑦ
Building Nunavut Together
Nunavut liuqatigiingniq
Bâtir le Nunavut ensemble

ᑭᑎᑎᑦᑭᑦ ᑭᑎᑎᑦᑭᑦ ᑭᑎᑎᑦᑭᑦ
Minister of Environment
Ministat Avatiliqiyitkut
Ministre de l'Environnement

I look forward to your reconsideration of your decision and await your response.

Sincerely

Joanna Quassa
Minister of Environment

Cc. Yvonne Niego, Deputy Minister, Environment



September 14, 2023

Honourable Joanna Quassa
Minister of Environment
Government of Nunavut

Dear Minister Quassa

I am writing to respond to your letter dated June 1, 2023.

On May 5, 2023, the Nunavut Wildlife Management Board (NWMB or Board) wrote a letter to the Government of Nunavut, Minister of the Environment regarding the Pangnirtung Hunters and Trappers Organization (HTO) harvest credit request. The NWMB considers that a review under section 5.7.2.1 of the Harvest Administration and Credit Calculation System (HACCS) is not a decision subject to section 5.3.7 of the *Nunavut Agreement*. Therefore, the NWMB did not make a decision that it can reconsider to approve or deny the request. We reviewed the request under section 5.7.2.1 of HACCS and found no conservation concern.

Your response on June 1, 2023, disallowed the NWMB's review. You stated that the NWMB's review "violates the recent amendment to the *Polar Bear Total Allowable Harvest Order*". You further stated that the NWMB "must now reconsider its decision whether the additional credit should be approved or denied."

Subsection 2(5)(b) of the amended *Polar Bear Total Allowable Harvest Order* states that when the number of credits requested to be converted into tags for any given year does not exceed 25% of the basic total allowable harvest, the Superintendent of wildlife authorizes the harvest; or the NWMB authorizes the harvest when the number exceeds 25% of the basic total allowable harvest.

The Board has now considered your letter and has again come to the conclusion that it is not able to approve or deny credit use as requested in the absence of a validly established non-quota limitation authorizing it to do so. A detailed resolution of the Board in response to your June 01, 2023 letter is attached as an appendix to this letter.

The NWMB has the sole authority to impose non-quota limitations under section 5.6.48 of the Nunavut Agreement. A non-quota limitation is a limitation of *any kind*. Any such limitation requires an accepted NWMB decision consistent with the Nunavut Agreement. Subsection 2(5)(b) of the amended *Polar Bear Total Allowable Harvest Order* does not appear to be consistent with the NWMB's decision to approve the HACCS under section 5.2.34(d)(i) of the Nunavut Agreement, which was accepted by the Minister on February 7, 2022. We are concerned that section 2(5) of the amended *Polar Bear Total Allowable Harvest Order* introduces an unauthorized non-quota limitation.



ᓄᓇᓭᐅ ᓇᓄᓏᐅᐅᓇᓈᓈᐅᐅᐅᐅ ᐅᓄᓄᓇᐅᐅᐅᐅ
Nunavunmi Anngutighatigut Aulapkaijitkut Katimajiat
Nunavut Wildlife Management Board

ᐱᓇᐅᐅᐅᐅᐅᐅᐅ ᓇᓄᓈᐅᐅ ᐅᓄᐅᐅᐅᐅᐅᐅ ᐅᐅᓇᓈᐅᐅᐅᐅᐅᐅᐅ ᐅᐅᐅᐅᐅᐅᐅᐅᐅᐅ ᐅᐅᐅᐅᐅᐅᐅᐅᐅᐅ ᐅᐅᐅᐅᐅᐅᐅᐅ
Tammaqtailinahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin
Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

We reiterate our recommendation for the Government of Nunavut to continue to work on polar bear harvest administration in Nunavut. We recognize that these matters are complex and will take time and effort to resolve so we encourage all co-management partners to work collaboratively.

Sincerely,

Daniel Shewchuk
NWMB Chairperson

- cc. Paul Inngaut, Nunavut Tunngavik Inc.
Kolola Pitsiulak, Qikiqtaaluk Wildlife Board
Stanley Adjuk, Kivalliq Wildlife Board
Paul Ikualaaq, Kitikmeot Regional Wildlife Board



AND WHEREAS the NWMB sent a letter to the Nunavut Minister of the Environment on May 5, 2023, explaining the outcome of its review according to section 5.7.2.1 of the Harvest Administration and Credit Calculation System.

AND WHEREAS the Minister of the Environment responded to the NWMB’s May 5 letter on June 1, 2023, to disallow the NWMB’s response under Part 3 of Article 5 of the Nunavut Agreement. The Minister explained that the Pangnirtung HTO request constituted a cumulative increase of more than 25% of the basic total allowable harvest, thereby triggering section 2(5)(b) of the recent amendment to the *Polar Bear Total Allowable Harvest Order*.

AND WHEREAS the Minister directed the NWMB to reconsider its decision regarding whether the additional credit should be approved or denied.

AND WHEREAS the NWMB is concerned that the amendments to the *Polar Bear Total Allowable Harvest Order* describing authorizations by the Superintendent or the NWMB for harvesting with credits are a non-quota limitation that was not validly established under section 5.6.48 of the Nunavut Agreement when the NWMB approved the Harvest Administration and Credit Calculation System or by any other NWMB decision.

AND WHEREAS the NWMB is not asked to make a decision in relation to Subsection 5.2.34(a), (c), (d) or (f) or any of Parts 4 to 6 or Article 40 of the Nunavut Agreement when it reviews a request for credits greater than 25% of the total allowable harvest for the sub-population, that no change to the total allowable harvest is proposed for credit requests, and that there is no validly established non-quota limitation that applies to the review of credit use under the Harvest Administration and Credit Calculation System.

AND WHEREAS the NWMB is not aware of any power validly established under the Nunavut Agreement that it has to approve, deny or otherwise authorize credit use when it conducts a review under section 5.7.2 1 of the Harvest Administration and Credit Calculation System that would trigger section 5.3.7 of the Nunavut Agreement to make a decision in the manner the Minister describes in their June 1 letter.

NOW, THEREFORE, BE IT RESOLVED THAT

The NWMB is not able to authorize credit use as requested by the Minister under any validly established non-quota limitation;

The NWMB reminds the Minister that it conducted a review according to the Harvest Administration and Credit Calculation System and reiterates there is no evidence of a potential conservation concern from the Pangnirtung HTO request;



ᓄᓇᓴᑦᑦ ᐅᐱᐸᑦᑕᑦᑕᑦᑕᑦ ᑲᑎᐱᐱᑦᑦ
 Nunavunmi Anngutighatigut Aulapkaijitkut Katimajiat
 Nunavut Wildlife Management Board

ᐱᓗᐸᑦᑕᐸᑦᓂᑦ ᐅᐱᐸᑦᓂᑦ ᐸᓂᑲᑦᑕᑦᑕᑦ ᐸᑕᑦᑕᑦᑕᑦᑕᑦ ᐸᓄᐸᑦ ᓂᑲᑕᑦᑕᑦᑕᑦᑕᑦ ᐸᐱᐱᑦ ᓂᑲᑕᑦᑕᑦᑕᑦᑕᑦ ᓂᑲᑕᑦᑕᑦᑕᑦᑕᑦ
 Tammaqtailinahuarniriit anngutighat atuqhugit Inuit qaujimajatuqangillu ilihimaniillu ilitquhiannin
 Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

The NWMB reminds the Minister that regulations made under the *Wildlife Act* must be consistent with accepted decisions of the NWMB, and informs the Minister the amendments to the *Polar Bear Total Allowable Harvest Order* made in December 2022 to require authorizations for credit use are not consistent with any non-quota limitation established by NWMB; and

The NWMB again recommends the Government of Nunavut continue to work on polar bear harvest administration in Nunavut, addressing concerns with polar bear management including defense-of-life and property kills, credit resets, the recognition of the role of Regional Wildlife Organizations and providing greater access to polar bear harvest data as indicated in the NWMB's February 1, 2022, letter to the Minister to approve the Harvest and Credit Calculation System.



ᑎᑎᓂᑲᑦᑕᑦ 1379
 ᐸᑦᑕᑦᑕᑦ ᓄᓇᓴᑦᑦ X0A 0H0
 ☎ (867) 975-7300
 📠 (888) 421-9832

Titiqqap Turaarvia 1379
 Iqaluit, NU X0A 0H0
 ☎ (867) 975-7300
 📠 (888) 421-9832

Box 1379
 Iqaluit, NU X0A 0H0
 ☎ (867) 975-7300
 📠 (888) 421-9832