

**Cumberland Sound Beluga Harvesting and Conservation By-laws
Pangnirtung Hunters and Trappers Association (HTA)**

Approved during the Annual General Meeting of the HTA. December 14, 2024

1. Introduction

1.1. The Nunavut Agreement and Recognition of Inuit Systems of Wildlife Management

These Beluga Harvesting and Conservation By-laws are guided by Article 5 for Wildlife of the Nunavut Agreement, especially sections 5.1.2 – Principles, 5.1.5 – The Principles of Conservation, 5.3.3 – Restricting or limiting Inuit harvesting only to the extent necessary, and 5.7.3 – The powers and functions of HTOs.

The Pangnirtung HTA recognizes that the Nunavut Agreement is part of the Constitution of Canada, and therefore provisions of the Agreement supersede provisions of federal legislation, acts and regulations, which may differ in part from the Agreement. The powers and functions of the Pangnirtung HTA are derived directly from the Nunavut Agreement, not from the Nunavut Wildlife Management Board or from the federal Fisheries Act.

Important elements of the Nunavut Agreement considered for these By-laws include but are not limited to the following:

5.1.2 This Article recognizes and reflects the following principles:

- (e) there is a need for an effective system of wildlife management that complements Inuit harvesting rights and priorities, and recognizes Inuit systems of wildlife management that contribute to the conservation of wildlife and protection of wildlife habitat;

5.1.5 The principles of conservation are:

- (c) the maintenance of vital, healthy, wildlife populations capable of sustaining harvesting needs¹ as defined in this Article; and

5.3.3 Decisions of the NWMB or a Minister made in relation to Part 6 [Harvesting] shall restrict or limit Inuit harvesting only to the extent necessary:

- (a) to effect a valid conservation purpose; ...
- or

¹ Article 5 addresses harvesting needs only in terms of the Basic Needs of Inuit, which the NWMB may review and adjust based on section 5.6.26 of the Agreement.

(c) to provide for public health or public safety.

Sub-section 5,1,2(e) of the Nunavut Agreement “recognizes Inuit systems of wildlife management” in Nunavut, while other general systems of wildlife management (e.g., scientific systems) are not explicitly recognized in Article 5 of the Nunavut Agreement. Therefore, the Pagnirtung HTA asserts that Inuit systems of beluga management have primacy over such other systems.

1.2 Types or Sub-populations of Cumberland Sound Beluga

The Inuit of Pagnirtung and the Pagnirtung HTA have long recognized that the beluga in Cumberland Sound are made up of two different types or sub-populations, as described below:

- (a) The beluga that calve in Clearwater Fiord (see Fig.1 below) are readily recognized by experienced Inuit of Pagnirtung based on their larger body size as adults, fatness and skin colour, even when these beluga are outside Clearwater Fiord while migrating to and from the fiord. Upon arrival in Clearwater Fiord in late June or early July in big groups, their outer layer of skin is yellow and in its early stage of shedding. These beluga are fat, and most float when killed;² In these by-laws these beluga are referred to as “Clearwater beluga”. and
- (b) Smaller beluga in Cumberland Sound are readily recognized by experienced Inuit of Pagnirtung based on their smaller body size as adults, by having less fat, spending more time in faster currents, and having different migratory movements, and distribution as follows (in these by-laws these beluga are referred to as “smaller beluga”):
 - (i) Smaller beluga are usually first seen near the floe edge in Cumberland Sound during April – June, are whiter in colour and do not show any sign of shedding as Clearwater beluga do; are seen in smaller groups; and are generally easier to harvest than Clearwater beluga;³ and
 - (ii) Smaller beluga are also seen in July and later months before freeze-up on the west side of Cumberland Sound, when their skin (Maayak) is thicker with a stronger taste⁴

² Kilabuk, P. 1998. A Study of Inuit Knowledge of the Southeast Baffin Beluga. Nunavut Wildlife Management Board. Section: Distinguishing the Different Populations, Population 1 Page 53.

³ Kilabuk, P. 1998. A Study of Inuit Knowledge of the Southeast Baffin Beluga. Nunavut Wildlife Management Board. Section: Distinguishing the Different Populations, Population 2 Page 53.

⁴ Kilabuk, P. 1998. A Study of Inuit Knowledge of the Southeast Baffin Beluga. Nunavut Wildlife Management Board. Section: Distinguishing the Different Populations, Population 3 Page 53.

2.1.2 Harvest Limitations for Clearwater Beluga

- (a) The total annual allocation for harvesting of Clearwater beluga is 41, while Clearwater beluga may be outside of the Clearwater Beluga Conversation Area. The harvest year begins on April 1 and ends on March 31 of the following calendar year.
- (b) Each HTA member will be limited to a maximum of one Clearwater beluga annually provided that the total quota for Clearwater beluga has not been reached.

2.1.3 Proposed Prohibition of Non-Traditional Land Use Activities in Clearwater Beluga Conservation Area

- (a) The Pagnirtung HTA supports prohibition of all of the following non-tradition land and marine activities in and near the Clearwater Beluga Conservation Area (Fig. 1):
 - Mineral Exploration and Production
 - Oil and Gas Exploration and Production
 - Seismic Testing
 - Sonar
 - Disposal at sea
 - Obnoxious Land Use
 - Quarries
 - Hydro-electrical and related infrastructure
 - Linear Infrastructure
 - Tourism
 - Exploitive Scientific Research
 - All ship traffic, smaller vessels and watercraft.
- (b) For clarity, activities of local tourism outfitters and guides who are also members of the Pagnirtung HTA are not subject to the tourism prohibitions listed in 2.1.3(a).
- (c) A Indigenous Protected and Conserved Area on the waters and adjacent lands of the Clearwater Beluga Conservation Area was proposed.

2.2 Conservation of Smaller Beluga in Cumberland Sound

2.2.1 Recognition of Smaller Beluga in Cumberland Sound

The Inuit of Pagnirtung and the Pagnirtung HTA readily recognize smaller beluga based on their distinctive physical and other characteristics compared to Clearwater beluga (see section 1.2).

Fisheries and Oceans Canada (DFO) has recently summarized data on genetic differences between these two types of beluga. Classification of Clearwater beluga and smaller beluga in Cumberland Sound are recognized herein based on Inuit Qaujimajatuqangit, and is not dependent on scientific differences. The similarities of smaller beluga in Cumberland Sound with Western Hudson Bay beluga has been recognized by Pangnirtungmiut and the Pangnirtung HTA for decades or longer.

DFO has imposed quotas on all Cumberland Sound beluga without distinguishing between the two sub-populations, despite Inuit Qaujimajatuqangit about the distinctiveness of the two types. Western Hudson Bay beluga are not subject to any harvesting quotas in other parts of their range.

The Pangnirtung HTA do longer recognizes any quota on smaller beluga in Cumberland Sound. Inuit system of wildlife management is recognized in the Nunavut Agreement and therefore takes primacy in these by-laws.

2.2.2 Elimination of Harvest Limitations on Smaller Beluga in Cumberland Sound

Harvesting of smaller beluga in Cumberland Sound will not be limited by quota.

2.2.3 Reporting the Type of Each Beluga Harvested in Cumberland Sound

As per section 3.5 below, each harvester must record and report the type of beluga that he or she may have harvested.

3. Beluga Harvesting Rules, Guidelines and Policies

3.1 Overall Management of the Beluga Harvest

- (a) The Pangnirtung HTA has the authority and responsibility to manage the harvesting of beluga by its members under section 5.7.3 of the Nunavut Agreement.
- (b) All members of the Pangnirtung HTA must follow these rules, guidelines and by-laws while engaged in any attempt to harvest any beluga.
- (c) The Pangnirtung HTA has the authority to enforce these By-laws among its members under the Nunavut Agreement.
- (d) The Board of the Pangnirtung HTA may temporarily stop HTA members from actively harvesting beluga for the following reasons:

- (i) public safety or related concerns,
 - (ii) respect for any wildlife in the harvesting area, and/or
 - (iii) avoid or limit the potential waste of any beluga.
- (e) The Board of the Pangnirtung HTA may reprimand or temporarily remove a member's beluga harvesting right if that member has broken any of the HTA's beluga harvesting by-laws, decisions, guidelines, rules or policies, after investigating the matter and passing a motion by the Board: A reprimand or removal of beluga harvesting rights may include the following:
- (i) Having an Elder speak to the member,
 - (ii) Determining other consequences for the HTA member if the member has been found to have broken any HTA by-law, guideline, rule or policy; and/or
 - (iii) Permit the member to keep the beluga that he or she may have already caught.
- (f) At the discretion and by motion of the Board of the Pangnirtung HTA, additional allocation or non-quota restrictions, limitations, or conditions may be established, removed or modified for the harvesting of beluga by any or all HTA members, specifying whether specific limitations, restrictions or conditions apply to Clearwater beluga or small beluga or both.

3.2 **Equipment and Firearm Guidelines**

3.2.1 HTA members engaged in beluga harvesting must provide and have available and use all tools, equipment and firearms needed for successful harvesting, including but not limited to the following:

- (a) A **harpoon** and a buoy (avataq)
- (b) A 243 or stronger rifle
- (c) Dragging equipment (to recover any sunken beluga)
- (d) Enough flotation/life vests for all passengers on the boat
- (e) Retrieval hook with adequate line
- (f) Sampling kit (if applicable)

3.3 **Harvesting Guidelines**

- (a) Any outfitter with tourists on board his or her boat is not allowed to go into active beluga harvesting areas. This is to avoid potential activity conflicts and ensure public safety.
- (b) All HTA members engaged in beluga harvesting must assess and predict likely weather and sea conditions, including but not only: the travelling distances by boat and the load in the boat in order to avoid leaving their catch behind due to environmental conditions.

- (c) Younger harvesters should be accompanied by an experienced harvester to ensure proper harvesting and butchering methods are used.
- (d) Harvesters will not harvest a calf or an adult female with a calf.
- (e) Harvesters must not injure a beluga and leave it behind. The harvester must make every reasonable effort to land any injured beluga.
- (f) Harvesters must not sink a beluga on purpose.
- (g) The first person to hit or strike the beluga is known to have caught the beluga.
- (h) Anyone that did not harm a beluga with a rifle will be known as not having caught the beluga.
- (i) HTA members must kill any and all beluga that they have injured and continue to only go after any injured beluga before going after another one.
- (j) HTA members are not to leave behind any meat from harvested beluga that may be deemed edible. Generally, all meat of a beluga is considered edible. An Elder may be consulted if necessary.
- (k) Any beluga meat should not be left on the ice or on the shore, and harvesters should give away any meat that is not suitable for humans to dog owners.
- (l) Any beluga trapped because of ice conditions and later caught by an HTA member will not be taken from the quota. Nevertheless, all harvesting information about the harvest of the entrapped beluga will be recorded by the HTA member and reported to the HTA. (See section 3.4 below.)

3.4 Recording and Submission of Harvest Information and Samples

- (a) Each member of the HTA must write down on a note pad, paper or electronic device all pertinent information about his or her harvest whenever he or she catches a beluga.
- (b) Each member of the HTA must provide the information about each beluga that he or she harvested to the HTA on the next day after he or she returns to the community.
- (c) Each member of the HTA that harvests a beluga must provide the following information⁵ to the HTA Manager/Harvest Monitor. If the information is

⁵ Harvesters could use the SIKU smartphone app for recording information in either Inuktitut, English or French in the field. The SIKU app needs to be set up initially while connected to the internet. The SIKU app is available on the Google Play store or the Apple iOS Play store or at siku.org. The SIKU app is owned by the Arctic Eider Society.

submitted to the Conservation Officer employed by the Government of Nunavut's Department of Environment, or a DFO Fisheries Officer, a copy should also be provided to the HTA:

- (i) Name and Home Address of Harvester
- (ii) Date of Harvest
- (iii) Location of Harvest: Name and GPS Coordinates
- (iv) Type of Beluga: Clearwater, Smaller; Other (specify)
- (v) Sex: Male, Female, Unknown, Other (specify)
- (vi) Age Class: Adult with a calf, Adult without a calf, Juvenile, Calf, Other.
- (vii) Tissue(s) submitted (specify)
- (viii) Quota Tag Number (if applicable)

4. Natural Deaths of Beluga in Cumberland Sound

4.1 Abandoned Calves and Natural Death of Older Beluga in Cumberland Sound

A naturally abandoned calf or any other beluga found dead or near death will be recorded as a natural death and not counted against the annual quota.

4.2 Ice-related Entrapment or Other Hazards Endangering Beluga in Cumberland Sound

Any beluga that may be found entrapped by ice or otherwise likely to die due to a natural or human-made hazard, provided that the situation or injury was not a result caused during harvesting, netting or trapping, may be killed as a humane action where the Conservation Officer (CO) or a Qaujimanilik recognized by the HTA will certify that the beluga was or were near death or likely to die due to the circumstances. After certification by the CO or the Qaujimanilik, the humane kill(s) (or euthanization) will not be counted against the annual quota if the beluga is or are Clearwater beluga..