



## NWT CONFERENCE OF MANAGEMENT AUTHORITIES

### CONSENSUS AGREEMENT ON LISTING POLAR BEAR (*Ursus maritimus*)

The Conference of Management Authorities has reached a consensus (hereafter referred to as the "Consensus Agreement") on the following:

To add polar bear (*Ursus maritimus*) to the Northwest Territories List of Species at Risk as a species of 'special concern'.

#### INTERPRETATION

For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.

For greater certainty, Management Authorities for polar bear (*Ursus maritimus*) are: the Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT).

WE THE UNDERSIGNED, having reached this consensus on this 8<sup>th</sup> day of October 2013, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT).



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Witness



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Rob Gau, Member  
Wildlife Management Advisory  
Council (NWT)



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Witness



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Lynda Yonge, Director  
Wildlife Division  
Dept. of Environment and Natural Resources  
Government of the Northwest Territories

## ANNEX A

### REASONS FOR THE CONSENSUS AGREEMENT

On December 12, 2012, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for polar bear (*Ursus maritimus*) to the Conference of Management Authorities (CMA) and recommended that polar bear be added to the NWT List of Species at Risk as a species of 'special concern'. The *Species at Risk (NWT) Act* provides a 12-month period for the CMA to develop a consensus agreement on listing.

This Consensus Agreement was informed by the completed species status report, SARC's assessment and reasons for assessment, public input (solicited by the Management Authorities between April and August 2013), and the results of Crown consultation duties, performed by the Government of the Northwest Territories. No information was provided to SARC by the CMA or a Management Authority under paragraph 31(1)(c) and no written clarification was provided by SARC under section 34 of the *Species at Risk (NWT) Act*. Actions taken by Management Authorities with respect to the required approvals and their preparation for the development of the Consensus Agreement on listing are described in Annex B of this Consensus Agreement.

The reasons for the Consensus Agreement are as follows:

SARC assessed the biological status of polar bear on December 3, 2012 as a species of 'special concern' in the NWT. An assessment status of 'special concern' means that SARC determined that polar bear may become threatened or endangered in the NWT because of a combination of biological characteristics and identified threats. SARC further determined that polar bear met criteria (b) and (c) for 'special concern' under SARC's Species Assessment Process (2012): (b) the species may become threatened if negative factors are neither reversed nor managed effectively and (c) the species almost qualifies for threatened status.

The following reasons for assessment were noted by SARC:

- There are approximately 1,500-2,000 polar bears in the NWT (with 930-1,240 mature individuals). This may be considered less than 1,000 mature individuals (the threshold for 'threatened' status), but there is no estimate of numbers for the Arctic Basin subpopulation that would contribute to the total for the NWT.
- Survival and reproduction are influenced by ice conditions; ice conditions are changing, which influences their ability to hunt seals.
- Climate change will affect ice conditions differently in different parts of the Arctic.
- In the short term, optimal sea-ice will be lost in some areas and gained in others.
- It is predicted that most polar bear subpopulations will be negatively impacted by climate change in the long term.
- Climate change, a primary threat, cannot easily be reversed nor managed effectively.
- Polar bears have a unique niche of hunting seals from a sea-ice platform.

- Polar bears are long-lived and have low reproductive rates. They reach maturity late and do not reproduce every year.
- Polar bears are top predators, at the top of the food chain, making them susceptible to bioaccumulation of pollutants.

The Management Authorities for polar bear, the Government of the Northwest Territories and the Wildlife Management Advisory Council (NWTC), did not receive any information indicating that the assessment of polar bear as a species of 'special concern' in the NWT was incorrect. After reviewing the results of consultation, the Government of the Northwest Territories' assessment is that the action of list polar bear as a species of 'special concern' will not infringe on Aboriginal or Treaty rights. Based on this, and their support for SARC's conclusions and methodology, the Management Authorities agree that polar bear should be added to the NWT List of Species at Risk as a species of 'special concern' in the NWT.

## ANNEX B

### ACTIONS MANAGEMENT AUTHORITIES HAVE UNDERTAKEN OR WILL UNDERTAKE WITH RESPECT TO LISTING

As provided for in section 36(3)(b) of the *Species at Risk (NWT) Act*, the Minister of Environment and Natural Resources, Government of the Northwest Territories (GNWT) and the Wildlife Management Advisory Council (NWT), having reached consensus on adding polar bear (*Ursus maritimus*) to the NWT List of Species at Risk, are reporting the actions each Management Authority has undertaken or agrees to undertake with respect to the required approvals and its participation in listing the species:

#### **Government of the Northwest Territories**

The GNWT's position on listing was formed through review of the species status report and assessment, public engagement, and Aboriginal and Treaty rights consultation. The Department of Environment and Natural Resources (ENR) also worked with other GNWT departments through the Inter-departmental Species at Risk Committee and Managing This Land Committee.

#### **Public Engagement**

The GNWT provided an opportunity for members of the public and interested organizations to comment on the assessment and potential listing of polar bear. The comment period was July 2 – August 14, 2013. The GNWT invited comments using print ads, green screens, posters, media interviews, the NWT Species at Risk website and an email distribution list.

The GNWT received 7 comments on polar bear through this process. Six were in support of listing polar bear as a species of 'special concern'. One submission commented that polar bear are not at risk and should not be listed. The comments included questions about the NWT species at risk process and the opportunities for involvement; about the information that the Species at Risk Committee used in their assessment; and about potential management actions. The GNWT did not receive any information that indicated that the assessment of polar bear as a species of 'special concern' in the NWT was incorrect.

The GNWT recorded all the comments and provided clarification and answers to questions. All comments were considered in forming the GNWT's position on listing.

#### **Aboriginal and Treaty Rights Consultation**

The GNWT was responsible for consulting with Aboriginal organizations in respect of potential infringement of established or asserted Aboriginal or Treaty rights. Consultation was done mainly through letters; meetings were held when requested. Consultation was triggered with organizations that hold asserted or established Aboriginal or Treaty rights in or near the NWT range of polar bear.

The GNWT explained the consequences of listing and explained that listing would not result in any automatic prohibitions or protections for species or habitat, and that listing would not change any harvest quotas or regulations already in place. The GNWT requested input on how the proposed listings may have the potential to adversely affect established or asserted Aboriginal or Treaty rights. The GNWT provided clarification and answers to questions as needed.

Concerns were expressed that listing polar bear as a species of 'special concern' would impact the Inuit of the Kitikmeot region and the communities of Resolute Bay and Grise Fiord in Nunavut. Concerns were also expressed that management actions following listing could infringe on harvesting rights. There is a desire to continue to be involved in NWT species at risk processes. The GNWT provided assurances that the groups would be consulted during the development of the management plan and prior to implementing any management actions that could infringe on Aboriginal or Treaty rights. All the comments and concerns were recorded and were considered in forming the GNWT's position on listing.

After reviewing the results of consultation, the GNWT's assessment is that the action of listing polar bear as a species of 'special concern' will not infringe on Aboriginal or Treaty rights. However, it is not known what management actions may be contemplated in the future after the species is listed. Possible approaches to manage and recover the species will be discussed during the development of the management plan. The GNWT recognizes that there is potential for future management actions arising from the NWT species at risk process to infringe on Aboriginal or Treaty rights. Therefore, the GNWT is committed to continued consultation as the management plan is developed. The GNWT is also committed to being inclusive in the development of the management plan.

With respect to the listing of polar bear, the GNWT consulted the Inuvialuit Game Council and Nunavut Tunngavik Inc. Full records of consultation are on file at the Wildlife Division, Department of Environment and Natural Resources, Yellowknife.

### **Wildlife Management Advisory Council (NWT)**

The Wildlife Management Advisory Council (NWT)'s (WMAC (NWT)) position on listing was formed through review of the species status report and assessment and its consultation meetings with the Inuvialuit Settlement Region (ISR) Hunters and Trappers Committees (HTCs) and the public.

WMAC (NWT) arranged for consultation meetings to be held in the four mainland ISR communities in April/May 2013. Meetings in the two island communities occurred in August 2013. All meetings were arranged with the HTCs but were advertised and open to the public to comment on the assessment and potential listing of polar bear. WMAC (NWT) members and/or representatives went through a summary presentation and answered all questions put forward.

The comments included many questions: about the NWT species at risk process in the ISR and degree of Inuvialuit involvement; about the information that SARC used in their assessments; about future consultations; and about the threats to species. WMAC (NWT) recorded all the comments and provided clarification and answers to questions.

All the comments and concerns were recorded and were considered in forming WMAC (NWT)'s position on listing. After reviewing and considering the results of the consultation at the Council's September 2013 Regular Meeting, WMAC (NWT) will support the listing of polar bear to the NWT List of Species at Risk as a species of 'special concern' in the NWT.