



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 another 10-year term to the current expiration date for polar bear as a species of Special Concern on the Northwest Territories List of Species at Risk.

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, the Management Authorities for polar bear are: the Wildlife Management Advisory Council (NWT) and the Government of the Northwest Territories.

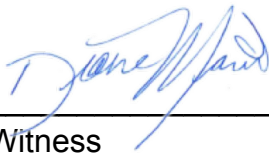
WE THE UNDERSIGNED, having reached this consensus, provide this Consensus Agreement on this 28th day of April 2022, to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the undersigned Management Authorities.



Witness



Larry Carpenter, Chair
Wildlife Management Advisory Council (NWT)



Witness



Brett Elkin, Assistant Deputy Minister –
Operations
Dept. of Environment and Natural Resources
Government of the Northwest Territories

ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

Polar bear has been listed as a species of Special Concern in the NWT since 2014. On April 28, 2021, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the re-assessment and status report for polar bear (*Ursus maritimus*) to the Conference of Management Authorities (CMA) and recommended that polar bear remain on 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), and the results of consultation. No information was provided to SARC by the CMA or the Management Authorities under paragraph 31(1)(c) of the *Species at Risk (NWT) Act*. Actions taken by the 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 the following:

SARC re-assessed the biological status of polar bear on April 15-16, 2021, as a species of Special Concern in the NWT. An assessment 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. The assessment process and objective biological criteria used by the Species at Risk Committee are based on Indigenous and Community Knowledge (ICK) and Scientific Knowledge (SK). SARC determined that polar bear met criterion ICK(a) and SK(b) for Special Concern under SARC's Species Assessment Process:

Special Concern ICK (a): Knowledge holders are observing changes in abundance, habitat quality/quantity, movements, or range, but these changes are not yet large enough to qualify the species for Threatened AND knowledge holders express concern that the species is being adversely impacted by one or more natural or human-caused threats.

Special Concern SK (b): The species may become Threatened if factors suspected of negatively influencing the persistence of the species are neither reversed nor managed with demonstrable effectiveness.

The following reasons for assessment were noted by SARC:

Main factors (ICK):

- Polar bears are solitary, live at very low densities, cover large ranges and constantly move to find ideal ice conditions and seals. Polar bear abundance changes from year to year and from region to region.
- Knowledge holders have observed that polar bears are not as big as they used to be, but there is not consensus on population-wide changes in body condition. Polar bears are observed to more often consuming the entire seal (as opposed to the blubber only), which suggests that these bears may be facing nutritional stress.
- Climate change has had an intensifying effect on polar bears and their habitat. There is broad concern that climatic conditions may alter denning habitat or render previously important habitats unsuitable, and influence polar bear condition, reproduction and prey availability.
- Knowledge holders suggest that polar bears may be adjusting their range further north and further out on the multi-year ice. Some polar bears have also recently been observed travelling further inland than in the past.
- Although ice conditions have always been highly variable (between and within seasons), knowledge holders have observed declines in multi-year ice and changes in sea ice from multi-year to annual ice pack. Annual pack ice may yield better ice conditions for polar bears.
- The combined effects of climate change with rapidly increasing development and activity, such as oil and gas exploration and marine traffic, in the Arctic are cause for high uncertainty and concern about cumulative impacts on polar bears and their habitat.
- Despite concern about the threats listed above, knowledge holders are not observing declines in polar bear populations at this time and they know polar bears are highly intelligent animals that can adapt to climate change.

Main factors (SK):

- NWT polar bears are from four subpopulations that are shared with Alaska, Yukon and Nunavut. Therefore, estimating the NWT-only polar bear population is challenging. The current best estimate is about 1,000 mature polar bears, but this leaves an unknown number of polar bears from the Arctic Basin subpopulation.
- The NWT population of polar bears is more likely to decline than to increase over the next three generations of polar bears.
- Scientific observations indicate a climate change-driven decline in summer extent of sea ice and ice thickness throughout much of the Arctic since 1970. Changes

are ongoing, with winter Arctic sea ice extent continuing to decline. Most recent models predict that by 2050, the Arctic will be ice-free in September.

- Climate change related losses in sea ice in the range of the Southern Beaufort Sea subpopulation is of particular concern and has been associated with declines in survival and reproduction in the Alaskan portion of its range. Most research on links between climate change and polar bears has not specifically targeted NWT polar bears, however evidence suggests that declines in sea ice habitat are occurring in the NWT range, and this is likely having an impact on polar bears in the NWT.
- In some areas, changes in ice conditions are linked to declining body condition of seals, the main food source of polar bear. Recent data show that polar bear body condition changes in response to shifts in food resources, which are linked to seasonal changes in sea ice.

Additional factors:

- People in communities have expressed concerns about invasive research techniques impacting polar bear health. Harvesters and elders from numerous communities have discussed how chasing and immobilizing polar bears with helicopters so that they can be tagged can “spook” bears.
- Other threats to polar bear include pollution, potential offshore development of hydrocarbon reserves, increased ship traffic, transportation and service corridors, increase pathogens, changes in foraging ecology and other cumulative effects.

After reviewing the assessment and the results of engagement, the Management Authorities determined that adding another 10-year term to the current expiration date for polar bear as a species of Special Concern is appropriate based on the threats to this species. The Government of the Northwest Territories’ assessment is that the action of adding another 10-year term to the current expiration date for polar bear as a species of Special Concern will not infringe on Aboriginal or treaty rights. Based on this, the Management Authorities agree that another 10-year term should be added to the current term for listing polar bear on the NWT List of Species at Risk as a species of Special Concern.

ANNEX B

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

As provided for in section 50(3)(b) of the *Species at Risk (NWT) Act*, the Management Authorities, having reached consensus on adding another 10-year term to the current term for polar bear (*Ursus maritimus*) to the NWT List of Species at Risk as a species of Special Concern, are reporting the actions they have undertaken or agree to undertake with respect to the required approvals and their participation in listing the species:

Wildlife Management Advisory Council (NWT)

The Wildlife Management Advisory Council (WMAC) (NWT)'s position on the proposed re-listing of polar bear as a species of Special Concern was formed through review of the species status report, SARC's assessment, and its engagement letter (dated June 14, 2021) to the Inuvialuit Game Council, and meetings with Hunters and Trappers Committees (HTCs) and community members of the communities of Inuvik, Aklavik and Paulatuk.

Government of the Northwest Territories

The Government of the Northwest Territories' (GNWT) position on re-listing was formed through review of the species status report and assessment and engagement with Indigenous governments and Indigenous organizations, as well as the public. The Department of Environment and Natural Resources (ENR) also worked with other GNWT departments through the Inter-departmental Species at Risk Committee.

Public Engagement

The GNWT provided an opportunity for members of the public and interested organizations to comment on the assessment and potential re-listing of polar bear. The comment period was August 16 – October 15, 2021. The GNWT invited comments using print ads, the NWT Species at Risk website and an email distribution list.

The GNWT received three comments on the re-listing of polar bear through this process. All supported listing as a species of Special Concern. The comments were considered in forming the GNWT's position on listing.

Indigenous Governments and Organizations

The GNWT's assessment is that the action of adding another 10-year term to the current term for polar bear as a species of Special Concern will not infringe on Aboriginal or treaty rights. There are no automatic prohibitions or protections for species or habitat that will come into effect upon adding another 10-year term to the current term. The action of listing the species under the Act will not change harvest quotas, regulations or land management already in place. The *Inuvialuit Settlement Region Polar Bear Joint Management Plan* (Joint Management Plan) and the *Framework for Action for Management of Polar Bears in the Inuvialuit Settlement Region* (Framework), which were completed in 2017, will continue to provide management goals and objectives for the species.

The GNWT engaged with Indigenous governments and Indigenous organizations (IGOs) through letters. IGOs located in or near the NWT range of polar bear were invited to comment on re-listing polar bear to the Northwest Territories (NWT) List of Species at Risk as a species of Special Concern for an additional term of 10 years. No responses were received.

The IGOs engaged are listed below. Full records of engagement are on file at Wildlife and Fish Division, ENR, Yellowknife.

- Inuvialuit Game Council
- Inuvialuit Regional Corporation
- Nunavut Tunngavik Incorporated