

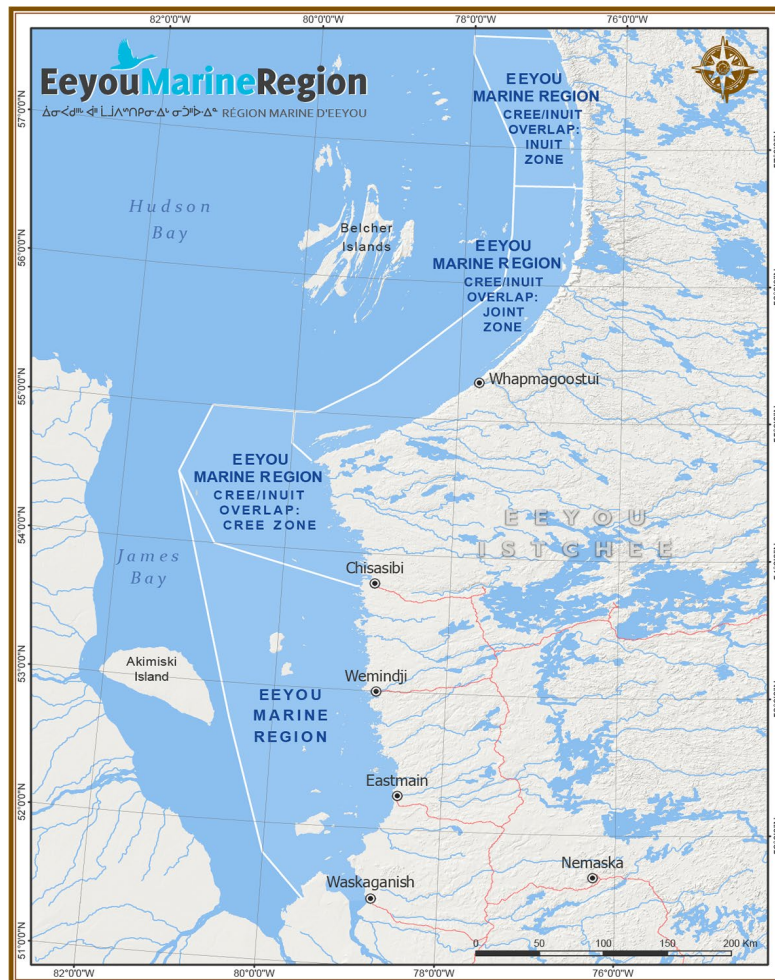


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PURPOSE

These guidelines are intended to provide a summary of wildlife viewing protocols for species present in the Eeyou Marine Region. This document is intended for land-users, tour guides, and visitors to help minimize or avoid impacting wildlife species and habitat. At the same time, they are intended to provide the participants with an enjoyable and informative wildlife viewing experience. This is a living document that will be updated as regulations and best practices evolve.

Wildlife viewing is exciting, but it is important to follow species appropriate viewing protocols to avoid negatively impacting wildlife species by changing their habitat (Buckingham et al., 1999), changing their behaviour (Magalhanes et al., 2002; Lusseau, 2003), introducing long-term stress from the presence of boats (Lusseau & Bieber, 2007; Parsons, 2012), or injuring animals (Quiros, 2007). Additionally, it is important to protect species habitat, avoiding damage or alteration to any important ecosystems or plants.





WILDLIFE VIEWING LEGISLATION

This Wildlife Viewing Protocol is based upon provincial (Quebec), territorial Nunavut), and federal legislation, and the best principles laid forth in wildlife viewing and management publications.

Under Quebec Law, Section C-61.1 - Act respecting the conservation and development of wildlife, “No person may, in a wildlife habitat, carry on an activity that may alter any biological, physical or chemical component peculiar to the habitat of the animal or fish concerned (128.6)”. Additionally, species at risk and their habitat are protected under Chapter E-12.01 – Act respecting threatened or vulnerable species which states that “No person may have any specimen of a threatened or vulnerable plant species or any of its parts, including its progeny, in his possession outside its natural environment, or harvest, exploit, mutilate, destroy, acquire, transfer, offer to transfer or genetically manipulate it. (IV 16)”

Under Nunavut’s Wildlife Act (applicable in the EMR Cree-Inuit overlap zone), “No person shall, without legal justification, substantially alter or damage or destroy any habitat. (65(2))” and “No person shall chase, weary, harass or molest a wild animal. (74(1))”

The Criminal Code Canada also states that ‘a person cannot cause unnecessary pain, suffering or injury to an animal or a bird’ (R.S.C., 1985), this stipulation applies to Unmanned Aerial Systems (UAS) or drones.

Additional legislation applies to the Eeyou Marine Region and the Eeyou Marine Region Cree-Inuit Overlap Zone, including the federal *Species at Risk Act*, *Marine Mammal Regulations of the Fisheries Act*, and the *Migratory Birds Convention Act*, which will be detailed in the appropriate sections below. See Table 1 for species listed as at risk under provincial or federal law.

GENERAL WILDLIFE VIEWING ETHICS

While viewing wildlife in the EMR, we would like to set out a list of general wildlife viewing ethics:

1. Respect wildlife by not disturbing animals, when an animal changes its behaviour due to your presence, you are too close.
 - a. Use binoculars, spotting scopes, and cameras with telephoto lenses to view and photograph wildlife.
 - b. Learn the spatial needs of species and their alarm signals before you approach them. We will describe these needs for species in the EMR in the sections below.
 - c. Do not attempt to bait, feed or touch wildlife.
2. Respect wildlife habitat, do not alter, damage, or destroy potential animal habitat.
 - a. Avoid trampling or damaging vegetation, walk on designated paths or in vegetation free areas when possible.
 - b. Do not pick flowers or remove any vegetation.
 - c. Clean all gear, including shoes, clothes, and backpacks before entering and leaving new areas to avoid the spread of invasive species.



- d. Leave the land and waterbodies as you found them, make sure to gather all garbage before leaving an area. Waste can be a bear attractant and can put yourself and others at risk.
3. Respect land users and be aware that others are using the land to provide food for their families.
 - a. Do not attempt to fish, hunt, or trap in the EMR. Respect that the wildlife resources of the EMR are for the people of Eeyou Istchee.
 - b. The only exception to the above statement, is if you have obtained the relevant permits for fishing or hunting small game (provincial government) or for hunting migratory birds (federal government), and permission from the local band council, and relevant tallymen (process described in Appendix A).
 - c. Do not make loud noises, disturb wildlife, or alter hunting, trapping, or fishing equipment. Respect that others are using the land and your actions could impact harvesting activities.

WHALES



The only whales that you will frequently encounter within the EMR are beluga whales. James Bay is the southernmost occurrence of Beluga in the eastern sub-Arctic. In the EMR, you will find beluga whales in groups of six or less during the summer (Gosselin et al. 2002). The presence of polynya (ice-free areas) and abundant food resources enable the beluga to remain in eastern James Bay year-round. This eastern James Bay Beluga population is considered stable (Gosselin et al., 2017) but may be facing increasing pressures from climate change and harvesting. Though it is unlikely, you may also encounter Killer Whales in the EMR, outside of their regular range (Herodier, 2016).

Whale species listed as endangered or threatened under the federal *Species at Risk Act*, which includes this population of **beluga whales**, must be viewed from a distance of **400 m** or more according to the Marine Mammal Regulations under the *Fisheries Act* (DFO, 2020).



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If the operator of a vessel is unable to maintain a minimum distance of 400 m from a whale, dolphin, or porpoise listed as endangered or threatened the operator shall maintain course until the vessel is more than 400 m from the cetacean.

If a vessel is in observation mode when a species listed as endangered or threatened approaches within a distance of less than 400 m, the operator of the vessel shall place the vessel engine in neutral gear or slowly move the vessel away.

It is also important to note, that there is an increased risk of encountering polar bears where whale carcasses are found (CAP, 2015).

If you see tail, fin or spray – Stay far enough away

100 metres away
200 metres away

200 metres away
400 metres away

400 metres away

Keeping a minimum of **100 metres** away from most whales, porpoises and dolphins, and keeping **200 metres** away if they are in resting position or with their calf.

Keeping 200 metres away from killer whales in BC and the Pacific Ocean and keeping 400 metres away from all killer whales in southern BC coastal waters between Campbell River and just north of Ucluelet* (June 1 – May 31)
*Under the Canada Shipping Act. Some exceptions may apply.

Belugas in the St. Lawrence Estuary

Certain whales, like killer whales in B.C. and the St. Lawrence Estuary Beluga in Quebec, need **more distance** because of threats they already face. There are also other approach distances which are tailored to particular circumstances. For more information visit:
<https://dfo-mpo.gc.ca/campaign-campagne/protectingwhales-protogerbaleines/index-eng.html>

Fisheries and Oceans Canada / Pêches et Océans Canada

Canada

Figure 1: Setback distances for whales, porpoises and dolphins under the Marine Mammals Act (Government of Canada)



SEALS



Seal species that you might encounter in the EMR include the ringed seal, harbour seal, and bearded seal. Ringed seals are the most common and abundant marine mammals in James Bay. During the summer, you can find seals in search of fish in James Bay and local rivers. Seals also enjoy resting on islands, shorelines, or rocks and will often return to the same resting location multiple times.

The main risks while viewing seals include changing distributions and habitat use (Kuckey & Trites, 2006), changing seal behaviour (Boren, 2002), and injuries due to collisions with boats (Greenland & Limpus, 2008). Indicators that your activity is disturbing a seal include increased vocalizations, aggressive behaviour (charging), increased swimming speed, swimming away from a disturbance, or moving away from a resting site. If you observe any of these behaviours while viewing seals, you must slowly move away from the seal(s) without making sudden movements or loud noises.

When viewing seals in the water, the vessel operator should maintain a distance of **50 m** from the seal(s). No more than two vessels can observe swimming seals in the same location. Vessels should approach seals from the side and maintain a speed of **under 5 knots while within 100 m** of the seal(s). Each vessel should spend **under 30 minutes** observing the same seal(s) (UNEP, 2017). Additionally, if you encounter a seal with pups or a lone pup, increase your distance to over 100 m. Pups are often left alone when mother seals are in the water feeding; they are not abandoned and must be left alone.



POLAR BEARS



The Polar Bear is the largest terrestrial carnivore in the world and is suited for life in the Arctic and sub-Arctic, spending most of its time on the ice (WWF, 2020). In the EMR, you might spot Polar Bears on the ice of James Bay and Hudson Bay during the winter and spring or on offshore islands during the summer. Polar Bears are listed as a Species of Concern under the Federal *Species at Risk Act* and as a Vulnerable Species under Quebec Legislation.

The main risks to polar bears during viewing include changes in behaviour, disturbance from repeated contact with humans, and death due to defence of life and property (DLP) kills (PBRs, 2015). Additionally, polar bears are dangerous animals and should never be intentionally approached (USFWS, 2017) as they are a threat to human property and life. It is recommended that people should avoid travelling in bear country alone and should have a local guide with non-lethal and lethal ammunition.

When viewing polar bears, it is important to not change their behaviour, especially during the ice-free months when food is scarce and polar bears try to limit their movements to conserve energy. Indications of changed behaviour include the bear raising its head, focusing its gaze on you, changing its body posture, moving away from you, or charging you or your vehicle (USFWS, 2017). To avoid disturbance, view using binoculars and approach from downwind, using minimal lights and noise. It is not acceptable to harass polar bears to move them into sight (CAP, 2015). You may also encounter Polar Bear dens on islands or coastal areas, these important breeding locations should be avoided.

When viewing polar bears from the water, approach slowly without making sudden movements or loud noises. If you notice that the polar bear has displayed a change in behaviour, slowly move the vessel away from the bear until it has resumed regular behaviour. While viewing a polar bear avoid making sudden turns and reduce the vessels speed. Vessel operators should always ensure that they are positioned so they can leave the area in a safe and controlled manner. If you encounter a swimming polar bear, keep the vessel lateral to its swimming direction and allow it to pass (USFWS, 2017). Do not



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approach a swimming polar bear, as they can react aggressively and may attempt to damage or climb into the boat.

When viewing polar bears from the air, pilots of manned aircrafts should maintain a minimum distance of 1500 ft (450 m) flight altitude and a 2650 (800 m) buffer between the aircraft and polar bears on ice, land, or on water (USFWS, 2017). Additionally, Unmanned aircraft systems (UAS or drones) should not operate within 75 m of a polar bear (Barnas et al., 2018). All aircrafts should avoid turning or circling over polar bears.

MIGRATORY AND SEA BIRDS



Black Guillemot

Red-breasted Merganser

Within the EMR you will likely see an array of migratory birds which are protected federally under the *Migratory Birds Convention Act* (1994). Additionally, you will encounter sea birds, which come ashore to nest or live in coastal habitats year-round.

The main risks while viewing birds include increased infant mortality due to changes in parenting behaviour (Velando & Munilla, 2011), reduced time spent foraging (Ronconi & St. Clair, 2002), changes in distribution and habitat (Seddon & Ellenberg, 2008), and modification of feeding or nesting habitats (Davenport & Davenport, 2006).

When viewing bird colonies, it is important to know that bird's tolerance to disturbance varies by species, previous exposure to disturbance, level of disturbance, and landscape context, making it difficult to determine one specific setback distance within the EMR (ECCC, 2019). Instead of providing one setback distance, we will outline a series of guidelines below.

When viewing bird colonies, you must be aware of the birds' behaviour. The first indicator of disturbance is when the bird adopts an alert posture or emits alarm calls. The second indicator is the distance which a bird takes flight or moves away, performs distraction displays (faking a broken wing or sitting down away from the nesting site), or actively defends the nest.

When viewing birds or bird colonies in the water, the vessel operator should maintain a distance of **50 m** from the birds. Vessels should approach birds or bird colonies parallel to the shoreline and maintain a speed of **under 6 knots while within 100 m** of the birds (UNEP, 2017).



During the birds breeding season (spring), it is important to maintain a greater distance from birds as they are more alert, and disturbances will have a large impact on species success. During the spring, be aware of bird’s alert postures or alarm calls and retreat accordingly.

If you approach a bird colony by land and notice that they are showing alert or flushing behaviour you must move away as quickly and quietly as possible without making sudden movements. You may continue viewing the birds from a distance which does not cause them to display alert behaviour.

If you approach a bird colony from the water, you must move away from the colony if they are displaying alert or flushing behaviours. Travel at a steady speed and move parallel to the shore. Do not blow horns, whistles, or change your engine speed to avoid disturbing the birds.

Additionally, avoid the use of recordings, calls, or whistles to attract birds, which may alter the birds’ normal feeding, mating, and brood-rearing activities (Mindful Birding, 2015). You must also take into consideration the impacts of photography on birds, ensure that you limit the used of artificial lights and do not stay near nests or breeding grounds for an extended period of time (Mindful Birding, 2015).

It is also important to note, that there is an increased risk of encountering polar bears when near bird colonies as the bears are known to feed on bird eggs (CAP, 2015).

SUMMARY TABLES

Table 1: List of Known Species at Risk or Species of Special Concern in the Eeyou Marine Region as of 2021.

Category	Species Name	French name	Latin Name	COSEWIC/SARA Status	Quebec Status
Marine Mammal	Polar Bear	Ours blanc	<i>Ursus maritimus</i>	Special Concern	Vulnerable
Marine Mammal	Ringed Seal	Phoque annelé	<i>Pusa hispida</i>	Special Concern	Not listed
Cetacean	Beluga Whale	Béluga	<i>Delphinapterus leucas</i>	Threatened (Eastern James Bay)	Likely to be designated
Migratory Bird	Red Knot	Bécasseau maubèche	<i>Calidris canutus rufa</i>	Special Concern	Likely to be designated
Migratory Bird	Yellow Rail	Râle jaune	<i>Coturnicops noveboracensis</i>	Special Concern	Threatened
Migratory Bird	Hudsonian Godwit	Barge hudsonienne	<i>Limosa haemastica</i>	Threatened	Not listed
Migratory Bird	Olive-sided flycatcher	Moucherolle à côtés olive	<i>Contopus cooperi</i>	Special Concern	Likely to be designated
Migratory Bird	Rusty blackbird	Quiscale rouilleux	<i>Euphagus carolinus</i>	Special Concern	Likely to be designated



Migratory Bird	Harlequin Duck	Arlequin plongeur	<i>Histrionicus histrionicus</i>	Special Concern	Vulnerable
Migratory Bird	Common Nighthawk	Engoulevent d'Amérique	<i>Chordeiles minor</i>	Special Concern	Likely to be designated
Migratory Bird	Horned Grebe	Grèbe esclavon	<i>Podiceps auritus</i>	Endangered	Threatened
Migratory Bird	Short-eared Owl	Hibou des marais	<i>Asio flammeus</i>	Special Concern	Likely to be designated
Migratory Bird	Bald Eagle	Pygargue à tête blanche	<i>Haliaeetus leucocephalus</i>	Not at Risk	Vulnerable
Migratory Bird	Peregrine Falcon (<i>tundrius</i> sub-species)	Faucon pèlerin (sous-espèce <i>tundrius</i>)	<i>Falco peregrinus tundrius</i>	Special Concern	Likely to be designated

Table 2: Summary table of Wildlife Viewing Guidelines

Category	Setback Distance (water)	Setback Distance (air)	Setback Distance (land)	Viewing Speed	Viewing Duration
Cetaceans	400/200m	2000 ft (610 m)	NA	NA	NA
Seals	50m	NA	NA	5 knots	30 minutes
Polar Bears	NA	Aircraft: 2625 ft (800 m); UAS: 245 ft (75 m)	NA	NA	NA
Migratory/Sea Birds	50m	NA	50m	6 knots	NA

APPENDIX A: PROCESS FOR OBTAINING HUNTING AND FISHING PERMITS IN THE EMR

The communities located on the coast of the EMR are protected under the Eeyou Marine Region Land Claim Agreement (2011) and the James Bay and Northern Quebec Agreement (1975). Under the JBNQA, Cree beneficiaries have exclusive rights to harvest in Category 1 and 2 lands (Figure A1). However, special exceptions can be made by a communities Chief and Council to permit harvesting by non-beneficiaries. Regardless of permitting by a community Chief and Council, all non-beneficiaries must obtain a provincial or federal permit and follow all regulations associated with the permits (limits, season, etc.).



Fishing:

Fishing in Quebec is regulated by the provincial government under the Ministère des Forêts, de la Faune et des Parcs (MFFP). Information about permitting locations and costs, open season, and catch limits can be found at: <https://www.quebec.ca/en/tourism-and-recreation/sporting-and-outdoor-activities/fishing-rules>. To get information on how to obtain a permit for fishing on Category 1 and 2 lands, as well as details on additional permission needed in each community refer to the contact information in Table A1).

Small Game Hunting:

Hunting small game in Quebec is regulated by the provincial government under the Ministère des Forêts, de la Faune et des Parcs (MFFP). Information about permitting locations and costs, open season, and bag limits can be found at: <https://www.quebec.ca/en/tourism-and-recreation/sporting-and-outdoor-activities/sport-hunting/game/small-game>. To get information on how to obtain a permit for fishing on Category 1 and 2 lands, as well as details on additional permission needed in each community refer to the contact information in Table A1).

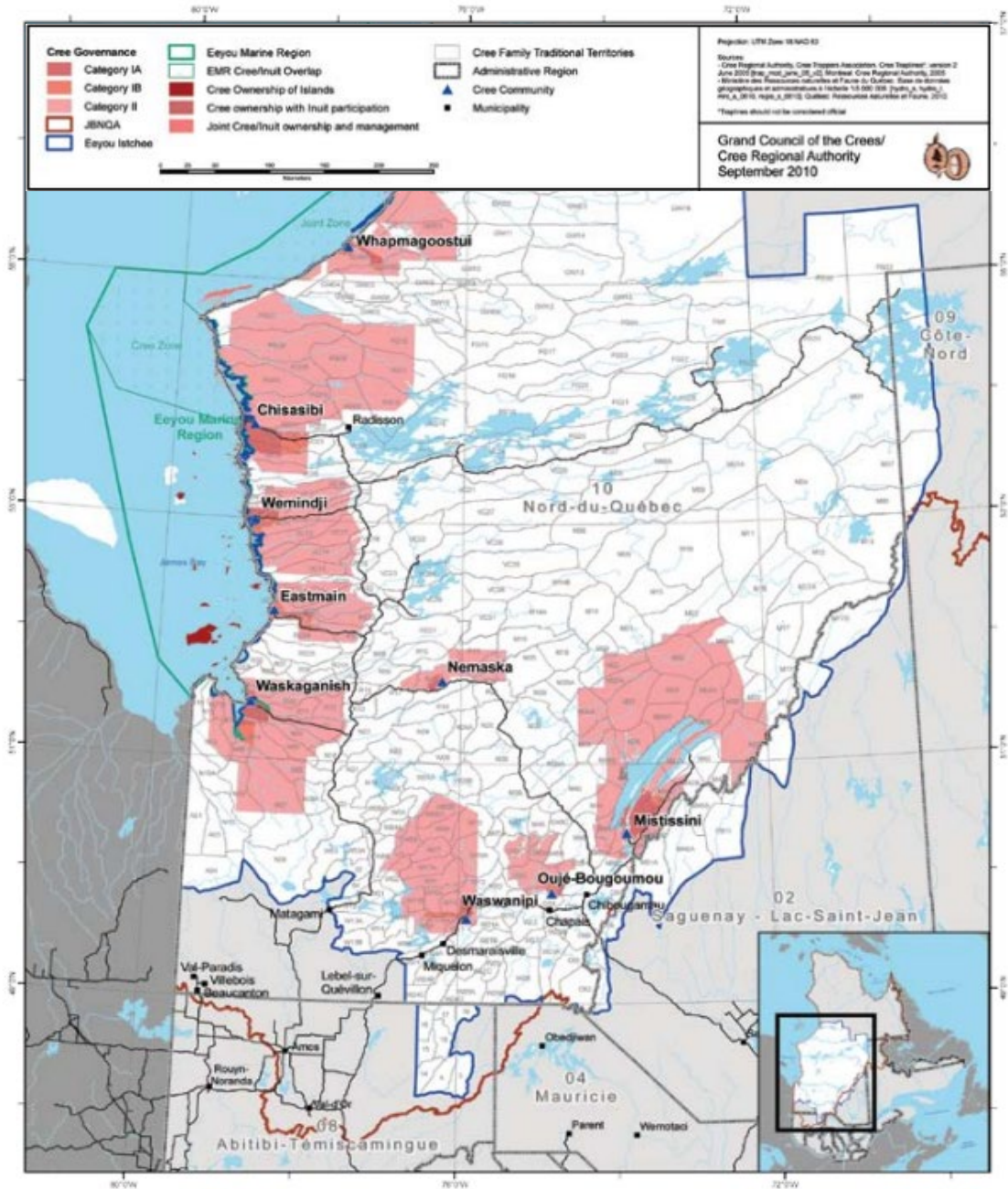
Migratory Bird Hunting:

Hunting migratory birds in Quebec is federally regulated by Environment and Climate Change Canada (ECCC). Information about permitting locations and costs, open season, and bag limits can be found at: <https://www.canada.ca/en/environment-climate-change/services/migratory-game-bird-hunting/regulations-provincial-territorial-summaries/quebec.html>. To get information on how to obtain a permit for hunting on Category 1 and 2 lands, as well as details on additional permission needed in each community refer to the contact information in Table A1).



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Figure A1: Map depicting Category 1, 2 & 3 Land in the coastal communities of the EMR.





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